Supreme Court, U. S.
FILED
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APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-1492

WALTER E. WASHINGTON,
Individually and in his capacity as
Commissioner of the District of Columbia, *et al.*,
Petitioners,

v.

ALFRED E. DAVIS, *et al.*, GEORGE HARLEY,
JOHN D. SELLERS,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR CERTIORARI FILED MAY 28, 1975
CERTIORARI GRANTED OCTOBER 6, 1975

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CIVIL DOCKET

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

C.A. No. 1086-70

ALFRED E. DAVIS, WILLIE DOSTER

vs.

1. WALTER E. WASHINGTON, individually and in his capacity as Commissioner of the District of Columbia
2. JERRY V. WILSON, individually and in his capacity as Chief of Police of the District of Columbia Metropolitan Police Department
3. ROBERT E. HAMPTON,
4. JAMES E. JOHNSON,
5. L. J. ANDOLSEK, individually and in their capacities as Commissioners of the United States Civil Service Commission

DATE	PROCEEDINGS
1970	Deposit for cost by
Apr. 10	Complaint, appearance filed
Apr. 10	Summons, copies (2) and copies (2) of Complaint issued defts. #1 & #2 Both serv. 4/14/70

DATE	PROCEEDINGS
1970	
Apr. 10	Summons, copies (5) & copies (5) of Complt. issued defts. #3, #4, #5 A.G. serv. 4-14-70; D.A. serv. 4-15-70; #3, 4 & 5 serv. 4-17-70.
May 4	Answer of defts. 1 & 2 to complaint; c/m 5-4-70; appearance of Hubert B. Pair, John A. Earnest and John C. Salyer. filed
May 14	Motion of counsel for pltfs. to associate Elizabeth Molodvsky as co-counsel for pltfs.; c/m 5-12-70. filed
Jun 15	Stipulation extending time for defts. 3, 4 & 5 to answer complaint to and including July 15, 1970 filed
Jun 25	Interrogatories of pltfs. to defts.; c/m 6/23/70 filed
Jun 25	Request of pltfs. for admissions of facts; c/m 6/23/70 filed
Jul 1	Objections of defts. 1 & 2 to pltf's first interrogatories; c/m 7/1/70; M.C. filed
Jul 6	Motion of defts. 1 & 2 for extension of time to respond to pltfs. request for admission of facts; P&A; c/m 7/6/70; M.C. filed
Jul 7	Stipulation of counsel extending time within which defts. may object to pltfs. interrogatories and request for admissions to and including July 27, 1970 granted (N) Gesell, J.
Jul 14	Response of defts. 1 & 2 to pltf. request for admission of facts; c/m 7/14/70 filed
Jul 23	Stipulation extending time to and including 7-27-70 that defts. 3, 4, & 5 to respond. (N) filed
Jul 27	Answer of defts 3, 4, & 5 to complaint; c/m 7-27-70; appearance of Thomas A. Flannery, Joseph M. Hannon, Mary E. Folliard. filed
Jul 27	Calendared. CD/N

DATE	PROCEEDINGS
1970	
Jul 27	Answer of defts, 3, 4, & 5 to requests for admissions; c/m 7-27-30. filed
Jul 27	Answer of defts. 3, 4 & 5 to interrogatories propounded by pltfs.; c/m 7-27-70. filed
Aug 20	Motion of pltfs. for an order compelling discovery and for reasonable expenses under Rule 37; P&A; c/m 8/18; M.C. filed
Aug 21	Request by pltfs. for production of documents under Rule 34; c/m 8/18 filed
Aug 26	Opposition of defts. 1 & 2 to motion for order compelling discovery and for reasonable expenses under Rule 37; c/m 8/26/70 filed
Aug 26	Response of deft. #2 to request for production of documents; c/m 8/26/70 filed
Aug 31	Request of pltfs. for production of documents under Rule 34; c/m 8/31 filed
Aug 31	Motion of pltfs. for an order compelling discovery under Rule 37; P&A; c/m 8/31; M.C. filed
Sep 8	Motion of John Dugan Sellers, Jr., for leave to intervene as pltf.; P&A; Exhibit; M.C.; Deposit $5.00 by Sobol filed
Sep 11	Motion of defts. 3, 4 & 5 for enlargement of time to respond to pltf's motion to compel; P&A; c/m 9/11/70; M.C. filed
Sep 11	Affidavit of deft. Jerry V. Wilson in support of objections to pltfs' first interrogatories; c/m 9/11/70 filed
Sep 15	Motion of defts 3, 4, & 5 to strike; P & A; c/m 9-15-70; M.C. filed
Sep 15	Opposition of defts 3, 4 & 5 to motion for intervention; c/m 9-15-70. filed

DATE	PROCEEDINGS
1970	
Sep 15	Opposition of defts 3, 4 & 5 to motion to compel answers to interrogatories; c/m 9-15-70. filed
Sep 15	Opposition of defts #1 & 2 to motion of John Dugan Sellers, Jr. to intervene; c/m 9-15-70. filed
Sep 23	Motion of George Harley for leave to intervene as pltf.; P&A; Exhibit; c/m 9/23/70; M.C.; deposit $5.00 by Elizabeth Molodovsky; appearance of Richard B. Sobol, Elizabeth Molodovsky filed
Sep 23	Motion of defts. 3, 4 & 5 for a protective order; P&A; c/m 9/23/70; M.C. filed
Sep 23	Motion of defts. 1 & 2 for postponement of hearing on objections to interrogatories and application for intervention; P&A; affidavit; c/m 9/23/70; M.C. filed
Sep 28	Opposition of defts. 1 & 2 to motion of George Harley to intervene; c/m 9/28/70 filed
Sep 29	Opposition of defts. 3, 4 & 5 to motion to intervene; c/m 9/29/70 filed
Oct 6	Order prohibiting discovery; no pleadings shall be filed without approval of Court. 10-5-70 (N) Gesell, J.
Oct 9	Motion of defts. 3, 4 and 5 to dismiss or in the alternative for summary judgment; P&A; exhibit A and B; c/m 10-9-70; M.C. filed
Oct 9	Application of pltf for reconsideration of order denied; oral arguments set for Nov. 6, 1970 at 3:30 P.M. (Rep: P. Harper) Gesell, J.
Oct 13	Letter dated 10-7-70 from Richard Sobol to J. Gesell filed 10-9-70.
Oct 13	Letter dated 10-7-70 from Richard B. Sobol to J. Gesell filed 10-9-70.
Oct 16	Motion of defts. 1 & 2 to dismiss, or, in the alternative for summary judgment exhibit; statement; P&A; c/m 10-16-70; M.C. filed

DATE	PROCEEDINGS
1970	
Oct 30	Memorandum of pltfs. in opposition to motions to dismiss and motions for summary judgment; statement; affidavits (2); exhibits A through V., c/m 10-30-70. filed
Nov 10	Affidavit of deft. #2 in response to pltfs. request for production of documents; c/m 11-10-70. filed
Nov 16	Order directing defts. to make certain information available to Court; pleadings or affidavits filed re certain questions shall be filed *in camera* and not be made part of the record; directing pltf. to file amended verified complaint within two weeks. Gesell, J.
Dec 4	Transcript of proceedings, vol. 1, pages 1-16. Reporter Phyllis P. Harper. (Court's copy) filed
Dec 7	Stipulation extending time through 12-10-70 in which pltf. may file an amended complaint and supporting documents, approved. (N) Gesell, J.
Dec 10	Amended complaint; exhibit. filed
Dec 10	Amended motion of George Harley and John D. Sellers, Jr. to intervene; amended memorandum; exhibit; affidavits (2) with exhibits. filed
Dec 10	Motion of Herbert Colclough, Jr. and Edward Jones to intervene as pltfs; memorandum; exhibit; affidavits (2); M.C. Deposit $5.00 by Sobol; appearance of Richard B. Sobol and Elizabeth Molodovsky. filed
Dec 10	Certificate of service of amended complaint; motion to intervene, amended motion to intervene personally served 12-10-70. filed
Dec 17	Stipulation extending time for defts. to respond to pltfs. amended and supplemental complaint to and including 1-7-71. filed
Dec 18	Stipulation extending time to and including 1-7-71 in which defts. may respond to pltfs. amended complaint, approved. Gesell, J.

DATE	PROCEEDINGS
1971	
Jan 8	Stipulation extending time to and including 1-21-71 in which defts. may respond to pltfs. amended complaint, approved. (Signd 1-8-71) (N) Gesell, J.
Jan 21	Motion of defts. #1 and 2 to dismiss the amended complaint or, in the alternative for summary judgment; exhibits A, B, C,; statement; P&A; c/m 1-21-71; M.C. filed
Jan 21	Amended motion of defts. #3, 4 and 5 to dismiss or in the alternative for summary judgment; exhibits A, B; statement; P&A; c/m 1-21-71; M.C. filed
Jan 21	Opposition of defts. #1 and 2 to the amended motion to intervene; c/m 1-21-71. filed
Jan 21	Opposition of defts. #3, 4 and 5 to amended motion to intervene; c/m 1-21-71. filed
Feb 2	Reply memorandum of pltfs. in opposition to motions to dismiss or for summary judgment; statement; c/m 2-2-71. filed
Feb 3	Affidavit of Dr. David Nolan; c/m 2-3-71. filed
Feb 9	Reply of defts. #3, 4 and 5 to opposition to motion to dismiss or in the alternative for summary judgment; c/m 2-9-71. filed
Feb 22	Response of pltfs. to reply memorandum and supplemental affidavit filed in support of defts. motion to dismiss or for summary judgment; c/m 2-17-71. filed
Mar 26	Status Conference. Gesell, J.
Apr 1	Response of defts. #3, 4 and 5 to Court's inquiry; c/m 4-1-71. filed
Apr 6	Report of defts. #1 and 2 to the Court concerning the response to Court's inquiry of the defts. Robert E. Hampton, James E. Johnson and L. J. Andolsek; c/m 4-6-71. filed

DATE	PROCEEDINGS
1971	
Apr 14	Answer of pltfs. to defts. response to Court's inquiry; exhibits A through D; c/m 4-13-71. filed
Apr 19	Reply of defts. #3, 4 & 5 to pltfs. answer to response to Court's inquiry; c/m 4-19-71. filed
Apr 26	Supplemental memorandum of plfts. respecting the proposed remand to the Civil Service Commission; c/m 4-26-71. filed
Apr 27	Memorandum opinion and order denying motion of defts. to dismiss; directing that the motion for summary judgment will remain open; and directing that there shall be no further discovery without approval of the Court. (N) Gesell, J.
Apr 27	Affidavits of Richard S. Barrett, James J. Kirkpatrick, Marjorie L. Parker. filed
May 10	Motion of defts. #3, 4, and 5 for reconsideration of opinion and order for extension of time to file a memorandum of P&A; P&A; c/m 5-10-71; M.C. filed
May 18	Motion of deft. #5 requesting an extension of time to file a memo of Points and Authorities, granted. (Fiat) (N) Gesell, J.
June 1	Supplementary memorandum of P&A in support of defts. motion for reconsideration of opinion and order; affidavit; c/m 6-1-71. filed
June 16	Stipulation extending time for pltfs. to answer motion for reconsideration of opinion and order to and including 7-14-71. filed
July 14	Memorandum of pltfs. in opposition to motion for reconsideration of opinion and order; exhibit A&B. filed
July 19	Certificate of service of mailing copy of opposition to motion for reconsideration on July 14, 1971. filed

DATE	PROCEEDINGS

1971

July 27 Reply of defts. to opposition to motion for reconsideration; p/s 7-27-71; exhibit. filed

July 26 Stipulation extending time to and including 7-27-71 in which defts. Hampton, Johnson and Andolsek may reply to pltfs. opposition to motion for reconsideration, approved. (Signed 7-23-71) (N) Gesell, J.

July 27 Memorandum and order denying motion of deft. to have case remanded to the Civil Service Commission. Gesell, J.

Sept. 2 Answers of defts. #1 & 2 to pltffs. interrogatories; c/m 9-2-71. filed

Oct 22 Consent order directing that counsel for pltfs. may inspect and copy at expense of pltfs. whatever requested tabulations are in the possession of the Civil Service Comm., that any copies of said tabulations be shown only to the Court, attorneys of record, and to the experts advising them and not to the named pltfs; said tabulations and reproductions to be returned to defts. at the conclusion of the case; directing that any pleading or affidavit containing specific reference to information in the said tabulations be filed with the Clerk of the Court in a sealed envelope for in camera inspection and shall at no time be made part of the public record, approved. (Signed 10-21-71) (N) Gesell, J.

Dec 8 Motion of pltfs. to associate Richard T. Seymour as co-counsel for pltfs; c/m 12-7-71; M.C. filed

Dec 14 Order granting motion of pltfs. to add Richard T. Seymour as co-counsel. (N) Gesell, J.

1972

Jan 7 Second interrogatories of pltfs. and pltf. intervenors; c/m 1-5-72. filed

Feb 22 Answers of defts #1 & #2 to interrogatories; exhibits A, B & C; c/m 2-22-72. filed

DATE	PROCEEDINGS

1972

Apr 17 Amended answers of deft. 1 & 2 to interrogatories; c/m 4-17. filed

May 15 Motion of defts. Washington & Wilson to dismiss amended complaint or in the alternative for summary judgment; affidavit; P & A; c/m 5-15. M.C.

May 31 Reply of defts. 1 & 2 to plaintiffs opposition to motion to dismiss complaint or in the alternative, for summary judgment; affidavit; c/m 5-31.

May 31 Answer of plaintiffs to motion to dismiss or summary judgment; c/m 5-26.

Jun 2 Status Conference: Hearing re-class action & hearing on motion for preliminary injunction set for 6-20-72 at 3:00 p.m.; trial is set for 10-9-72 at 9:30 a/m. Gesell J.

Jun 7 Order granting motion of Herbert Colcough Jr. & Edward W. Jones to intervene; denying motion of defts. Washington & Wilson to dismiss or in the alternative for summary judgment. (N) Gesell J.

Jun 14 Motion of plaintiffs for partial summary judgment; statement; P & A; affidavits (3); exhibit; c/m 6-14. M.C.

Jun 15 Motion of defts for extension of time to answer or otherwise respond to motion for partial summary judgment; P & A; c/m 6-15-72; M.C. filed

Jun 16 Response of pltfs to defts motion for extension of time; c/m 6-16-72.

Jun 20 Defendants to file opposition to plaintiffs motion for Summary Judgment by 7-17-72. Motion re-class action heard & held in obeyance. Gesell J.

Jul 17 Motion of defendants 1 & 2 for partial summary judgment; P & A's; Statement; c/m 7-17. M.C.

Jul 18 Motion of defendants 3, 4 and 5 for summary judgment; P & A's; Statement; Affidavit (3); Exhibits 1, B, & C; c/m 7-17. M.C.

DATE	PROCEEDINGS
1972	
Jul 19	Change of address of Richard T. Seymour to 1763 R Street, N.W.
Jul 27	Certificate of service by defendants of mailing attachments; 7-27-72; attachments 1 & 2.
Jul 31	Memorandum opinion & order granting motions of Federal defendants for Summary Judgment dismissing amended complaint as to them; granting motion of defendants District of Columbia for partial summary judgment; denying motion of plaintiffs for partial Summary Judgment; setting status conference for 9-5-72 at Noon. (Gesell J.)
Aug 17	Motion of plaintiff for a determination pursuant to Rule 54(b); c/m 8-15. M.C.
Aug 22	Request of plaintiffs for production from the District of Columbia defendants; c/m 8-22.
Aug 22	Request of plaintiffs for admissions from the District of Columbia defendants with attachment; exhibits A, B, C, D, E; c/m 8-22.
Sep 5	Motion of plaintiffs for a determination pursuant to Rule 54b & motion of plaintiffs requesting production from the District defendants, granted. (Trial date is set for 10-10-72 at 9:30 a.m.) Gesell J.
Sep 6	Plaintiffs request for production from the District defendants, granted. (Fiat) (9-5-72) Gesell J.
Sep 6	Order granting motion of plaintiffs-intervenors' motion for a determination pursuant to Rule 54(b). (9-5-72) Gesell J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed December 10, 1970]

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. JURISDICTION

1. This is an action to enjoin violations by the defendants of rights of the plaintiffs and the class they represent, secured by the Fifth Amendment to the United States Constitution, by 42 U.S.C. § 1981, and by District of Columbia Code § 1-320. The action challenges a pattern of racial discrimination by the defendants in making promotions within the District of Columbia Metropolitan Police Department (hereinafter "the Police Department"). Declaratory relief is sought pursuant to 28 U.S.C. §§ 2201 and 2202. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1343(3), (4) and 1361, and by D.C. Code § 11-521. The amount in controversy for each plaintiff, exclusive of interest and costs, is in excess of $10,000.00.

II. PARTIES

2. (a) Plaintiff Alfred E. Davis is a black citizen of the United States and a resident of the District of Columbia. He has been employed as a private in the Police Department since 1959. He was one of the original four men appointed "Officer Friendly," a position created in 1968 in the Community Relations Division of the Police Department. In that capacity, plaintiff Davis makes appearances on behalf of the Department in public schools throughout the city, for the purpose of improving the image of the Department. He is also president of the Brotherhood of Policemen and Citizens, a District of

Columbia group established in 1968 to combat employment discrimination against black policemen; and a member of the National Black Caucus on Police-Community Relations, a similar group established in 1967.

(b) Plaintiff Willie Doster is a black citizen of the United States and a resident of the District of Columbia. He has been employed as a private in the Police Department since 1966. He is a recruitment officer and has responsibility for the screening of applicants to the Department. He is treasurer of the Brotherhood of Policemen and Citizens.

3. This action is brought by the plaintiffs as a class action, pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class represented by the plaintiffs is comprised of the black privates in the Department, who, in 1965 or thereafter, unsuccessfully sought promotion to the position of sergeant. The requirements for a class action under Rule 23(a) and (b)(2) are met for the following reasons:

(a) The class, as defined herein, includes approximately 250 persons; it is so numerous that joinder of all its members is impracticable;

(b) This action challenges the Department's promotional system on the ground that, in whole and in its separate parts, it results in discrimination against black applicants for promotion on grounds of race. There are questions of fact—concerning the nature of the promotional system, its predictive value, and its impact on black applicants for promotion—and questions of law—concerning the legality of the system under applicable constitutional and statutory provisions—which are common to the members of the class;

(c) As alleged more fully in paragraph 6, *infra*, both plaintiffs have applied for and been denied promotion to the position of sergeant. They have both been disqualified by the test required for promotion. In one instance,

plaintiff Davis satisfied the test requirement, but was denied promotion because of the subjective supervisors' evaluation—the second prong of the two-step promotional procedure. Plaintiffs' claims, that both the objective and subjective aspects of the promotional procedure are racially discriminatory, are typical of the claims of the class;

(d) As alleged more fully in paragraph 2, *supra*, both plaintiffs have positions of special responsibility within the Department, and are officers of a city-wide group dedicated to the protection of the employment rights of black policemen. They have 11 and 4 years' experience, respectively, as privates in the Department. They will fairly and adequately protect the interests of the class;

(e) In the application of the promotional system to all applicants for promotion, the defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief as to the class as a whole.

4. (a) Defendant Walter E. Washington is the Commissioner of the District of Columbia and in this capacity is authorized under District of Columbia Code § 4-103, as amended, to appoint, assign and promote all officers and members of the Police Department. Defendant Washington is sued individually and in his official capacity.

(b) Defendant Jerry V. Wilson is Chief of Police of the Police Department and in this capacity, subject to the supervision and direction of defendant Washington, has the responsibility for the appointment and promotion of officers and members of the Police Department. Defendant Wilson is sued individually and in his official capacity.

(c) Defendants Robert E. Hampton, James E. Johnson and L. J. Andolsek are Commissioners of the United States Civil Service Commission. Appointments and pro-

motions to and within the Police Department are made pursuant to rules and regulations adopted by the Civil Service Commission. D.C. Code § 4-103. In addition, the Civil Service Commission administers and aids in the construction of the personnel examination administered as a condition of promotion within the Police Department.

III. STATEMENT OF THE CASE

5. (a) From the inception of the Police Department, the defendants and their predecessors have discriminated on the basis of race against the promotion of black officers. As a result, although 37% of the privates in the Department are black, blacks comprise fewer than 10% of the officers above that rank. Moreover, this underrepresentation increases at each higher employment level.

(b) Promotions from private to sergeant within the Police Department are made on the basis of length of service, written personnel examinations and supervisory suitability ratings. Specifically, only officers who have satisfactorily completed three years with the Police Department will be considered. An officer must then achieve a score of 70 on a written personnel test to remain eligible. Those who achieve this passing score then receive, from their supervisory officers, a numerical evaluation, on a scale of 100, of their potential for performance at the rank of sergeant. These evaluations are then reviewed and adjusted by the Promotional Rating Board which is made up of assistant chiefs of police. Any officer who receives an evaluation of less than 70 is no longer considered for promotion. The adjusted evaluation and the test score are then averaged and a promotional list is compiled in the order of the resulting scores. For the two-year period following the compilation of the list, appointments to the position of sergeant are taken from the top of this list. The current promotional list, based on an examination given in 1969, has just been exhausted.

The last men on the list received their promotions on November 24, 1970. The next examination for promotion to sergeant is scheduled for March 27, 1971.

6. (a) In 1965, plaintiff Davis applied for promotion to the position of sergeant in the Police Department. He achieved a passing score on the promotional examination, and a suitability rating of 87 from his precinct commander. This rating was reduced to 75 by the Promotional Rating Board, and as a result he was placed 97th on the 1965 list of 98 eligible candidates. He was not reached for promotion during the two-year period for which this list was used.

(b) In 1967, plaintiff Davis again applied for promotion to the position of sergeant in the Police Department. He did not achieve a passing score on the promotional examination and was therefore disqualified from further consideration.

(c) In 1969, plaintiff Doster applied for promotion to the position of sergeant in the Police Department. He did not achieve a passing score on the promotional examination and was therefore disqualified from further consideration.

(d) Plaintiffs allege that in each instance of their application for promotion to the position of sergeant they were evaluated under standards that, for the reasons stated in paragraphs 7 and 8, discriminate against them on the basis of race.

7. (a) The written promotional examination used to evaluate candidates for promotion to the position of sergeant disqualifies or disadvantages a far greater proportion of black candidates for promotion than white candidates for promotion. It has not been shown by validation studies or otherwise to aid in predicting performance in the position of sergeant; it does not in fact aid in predicting performance in the position of sergeant.

Specifically, on the 1965 examination the white pass rate was almost four times as great as the blacks'; 21.29% of the whites passed, 5.49% of the blacks. On information and belief, the results of the 1967 and 1969 examinations were similar. Moreover, on information and belief, the promotion examination has never been validated. Nor is it predictive of performance as sergeant. See Barrett and Kirkpatrick affidavits concerning the 1965, 1967, and 1969 examinations. Two copies of each test and affidavit are submitted in camera, as appendices.

(b) The subjective evaluations of candidates for promotion to the position of sergeant disqualify or disadvantage a far greater proportion of black candidates than white candidates for promotion; they have not been shown by validation studies or otherwise to aid in predicting performance in the position of sergeant; and they do not in fact aid in predicting performance in the position of sergeant. See Memorandum In Support of Amended Complaint, p. 5.

As a result of all these factors, although 17.39% of the active applicants for promotion in 1965 were black, blacks comprised only 5.10% of those on the 1965 promotion list; and only 2.96% of those actually promoted. On information and belief, the results of the 1967 and 1969 competitions were similar.

IV. VIOLATIONS OF LAW

8. The employment practices described in paragraph 7 hereof violate the rights of the plaintiffs and the class they represent under the due process clause of the Fifth Amendment to the United States Constitution, under 42 U.S.C. § 1981 and under D.C. Code § 1-320, for the following reasons:

(a) The written promotional examination discriminates against black candidates on grounds of race because

it disqualifies or disadvantages a far greater proportion of blacks than whites, and because it has not been shown by validation studies or otherwise to aid in predicting performance in the position of sergeant; or alternatively,

(b) The written promotional examination discriminates against black candidates on grounds of race because it disqualifies or disadvantages a far greater proportion of blacks than whites, and because it does not in fact aid in predicting performance in the position of sergeant;

(c) The subjective evaluation of candidates for promotion discriminate against black candidates on grounds of race because they disqualify or disadvantage a far greater proportion of blacks than whites, and because they have not been shown by validation studies or otherwise to aid in predicting performance in the position of sergeant; or alternatively,

(d) The subjective evaluations of candidates for promotion discriminate against black candidates on grounds of race because they disqualify or disadvantage a far greater proportion of blacks than whites, and because they do not in fact aid in predicting performance in the position of sergeant.

V. EQUITY

9. There is a real and actual controversy between the parties. The defendants, their agents, employees and predecessors have failed to take action to remedy the discriminatory employment practices set forth in paragraph 7 hereof, although the discriminatory quality of these practices has repeatedly been called to their attention. Plaintiffs and the class they represent are suffering and will continue to suffer irreparable injury as a result of the discriminatory practices set forth in paragraph 7 herein. Plaintiffs are without an adequate or workable administrative remedy. Plaintiff Davis has, without suc-

cess, attempted to pursue procedures established under District of Columbia Board of Commissioners Order No. 66-1251 since 1966, and has not yet been able to secure the production of relevant material or an administrative hearing. No other administrative remedy is available to the plaintiffs. There is no remedy other than the proceeding in this Court which would not be futile or which could offer substantial relief.

VI. PRAYER

WHEREFORE, plaintiffs pray that this Court:

1. Make a determination pursuant to Rule 23(c)(1) of the Federal Rules of Civil Procedure that this action may be maintained as a class action under the provisions of Rule 23(b)(2), and that the class represented by plaintiffs is comprised of all the black privates on the force of the Department who, in 1965 or thereafter, have sought unsuccessfully to be promoted to the rank of sergeant;

2. Issue a declaratory judgment that:

(a) The conduct of the defendants in preparing and administering the Police Department promotional examination and relying on its results in evaluating candidates for promotion from private to sergeant discriminates on grounds of race against plaintiffs and the class they represent in violation of the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1981 and D.C. Code § 1-320, for the reason that: (i) the examination disqualifies proportionally more black than white applicants for promotion to the position of sergeant; and (ii) it has not been shown by validation studies or otherwise to be predictive of performance in the position of sergeant; or alternatively,

(b) The conduct of the defendants in preparing and administering the Police Department promotional examination and relying on its results in evaluating candidates for promotion from private to sergeant discriminates on grounds of race against plaintiffs and the class they represent in violation of the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1981 and D.C. Code § 1-320, for the reason that: (i) the examination disqualifies proportionally more black than white applicants for promotion to the position of sergeant; and (ii) it is not predictive of performance in the position of sergeant;

(c) The reliance by defendants Washington and Wilson on subjective supervisory evaluation of performance as a factor in determining eligibility for promotion to the position of sergeant discriminates on grounds of race against plaintiffs and the class they represent in violation of the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1981 and D.C. Code § 1-320 for the reason that: (i) the evaluations disqualify proportionally more black than white applicants for promotion; and (ii) they have not been shown by validation studies or otherwise to be predictive of performance in the position of sergeant; or alternatively,

(d) The reliance by defendants Washington and Wilson on subjective supervisory evaluation of performance as a factor in determining eligibility for promotion to the position of sergeant discriminates on grounds of race against plaintiffs and the class they represent in violation of the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1981 and D.C. Code § 1-320 for the reason that: (i) the evaluations disqualify proportionally more black than white applicants for promotion; and (ii) they are not predictive of performance in the position of sergeant.

3. Issue a preliminary and permanent injunction:

(a) Prohibiting the defendants from engaging in any of the aforesaid illegal practices;

(b) Requiring the defendants to develop and submit to the Court for approval a promotional system that will not discriminate against black candidates for promotion;

(c) Requiring the defendants to compile a new promotional register under a new promotional system approved by the Court;

(d) Requiring the defendants to grant members of the class who achieve the minimum established rating under the new promotional system preferred positions on the new promotional register by granting the highest positions on that register to class members who so qualify in the order of the year of their first application for promotion to the position of sergeant, and among those who applied within the same calendar year, on the basis of score under the new promotional system; and

(e) Requiring the defendants to pay to class members who achieve the minimum established rating under the new promotional system the difference in salary between the position of private and the position of sergeant from the average date of appointment from the list for which they first applied to the date of their actual appointment to the position of sergeant.

4. Award plaintiffs and the class they represent such other and further relief as may be shown to be appropriate, including costs of this action.

[Certificate of Service omitted in printing]

CITY OF WASHINGTON)
) ss.
DISTRICT OF COLUMBIA)

AFFIDAVIT

Alfred E. Davis, being first duly sworn, deposes and says:

1. I am a plaintiff in the attached amended complaint in *Davis* v. *Washington*, Civil Action No. 1086-70 in the United States District Court for the District of Columbia.

2. I have read the amended complaint, and swear that its allegations are true, to the best of my information and belief.

/s/ Alfred E. Davis
ALFRED E. DAVIS

Subscribed and sworn to before me this 9th day of December, 1970.

/s/ Marquerite E. O'Brien
Notary Public
(SEAL)

My commission expires: April 14, 1971

CITY OF WASHINGTON)
) ss.
DISTRICT OF COLUMBIA)

Willie Doster, being first duly sworn, deposes and says:

1. I am a plaintiff in the attached amended complaint in *Davis* v. *Washington*, Civil Action No. 1086-70 in the United States District Court for the District of Columbia.

2. I have read the amended complaint, and swear that its allegations are true, to the best of my information and belief.

/s/ Willie Doster
WILLIE DOSTER

Subscribed and sworn to before me this 9th day of December, 1970.

/s/ Marquerite E. O'Brien
Notary Public
(SEAL)

My commission expires: April 14, 1971

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed December 10, 1970]

AMENDED MOTION TO INTERVENE

For the reasons stated in the accompanying memorandum, George Harley and John Dugan Sellers, Jr., through undersigned counsel, hereby move to intervene in this action on the side of the plaintiffs, under the provisions of Rule 24(b) of the Federal Rules of Civil Procedure. In accordance with Rule 24(c), this motion is accompanied by applicants for intervention's proposed amended complaint in intervention.

[Certificate of Service omitted in printing]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed December 10, 1970]

AMENDED COMPLAINT IN INTERVENTION

I. JURISDICTION

1. This is an action to enjoin violations by the defendants of rights of plaintiffs-intervenors and the class they represent, secured by the Fifth Amendment to the United States Constitution, by 42 U.S.C. § 1981, and by District of Columbia Code § 1-320. The action challenges a pattern of racial discrimination by the defendants in making initial appointments to the District of Columbia Metropolitan Police Department (hereinafter "the Police Department"). Declaratory relief is sought pursuant to 28 U.S.C. §§ 2201 and 2202. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1343(3), (4) and 1361, and by D.C. Code § 11-521. The amount in controversy, exclusive of interest and costs, is in excess of $10,000.00.

II. PARTIES

2. Plaintiffs-intervenors George Harley and John Dugan Sellers, Jr. are black citizens of the United States and residents of the District of Columbia. Each has a high school diploma or high school graduation equivalency certificate.

3. This action is brought by plaintiffs-intervenors as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. The action is instituted on behalf of all black applicants who, since the beginning of 1968, have unsuccessfully sought appointment to the Police Department. The class, which includes approximately 3,000 persons, is so numerous that joinder of all its members is impracticable. There are questions of fact—concerning the nature of the appointment system, its predictive value, and its impact on black applicants for employment—and questions of law—concerning the legality of the system under applicable constitutional and statutory provisions—which are common to the members of the class. The claims of plaintiffs-intervenors are typical of the claims of the class. Plaintiffs-intervenors will fairly and adequately protect the interests of the class. The defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

4. (a) Defendant Walter E. Washington is the Commissioner of the District of Columbia and in this capacity is authorized under District of Columbia Code § 4-103, as amended, to appoint, assign and promote all officers and members of the Police Department. Defendant Washington is sued individually and in his official capacity.

(b) Defendant Jerry V. Wilson is Chief of Police of the Metropolitan Police Department of the District of Columbia and in this capacity, subject to the supervision and direction of defendant Washington, has the responsibility for the appointment and promotion of officers and members of the Police Department. Defendant Wilson is sued individually and in his official capacity.

(c) Defendants Robert E. Hampton, James E. Johnson and L. J. Andolsek are Commissioners of the United States Civil Service Commission. Appointments and promotions to and within the Police Department are made pursuant to rules and regulations adopted by the Civil Service Commission. D.C. Code § 4-103. In addition, the

Civil Service Commission administers and aids in the construction of the personnel examination administered as a condition of appointment to the Police Department.

III. STATEMENT OF THE CASE

5. Appointments to the Police Department are made on the basis of successful performance on a written personnel test, educational qualifications, character investigation, personal interviews and other factors. These criteria disqualify a far greater percentage of black than white applicants. In 1969, the ratio of hires to applications was 2 to 3 times greater for whites than for blacks. On information and belief, plaintiffs-intervenors allege that similar results were obtained in 1968 and 1970.

6. In August, 1970, plaintiff-intervenors separately visited Police Department recruitment stations to apply for appointment. They were administered different versions of the written entrance test. Each was informed that he had not passed the test, and that he could not be considered for appointment regardless of any other factor until he had passed the test.

7. The defendants discriminate on the basis of race against black applicants in making appointments by a series of practices which include, but are not limited to, the following:

(a) the use, as a condition of appointment, of a written personnel test which excludes a disproportionately high number of black applicants, and which has been shown by a validation study conducted under the auspices of the Civil Service Commission not to aid in predicting performance of black Police officers (see Appendix);

(b) the reliance, as a factor in determining eligibility for appointment, on subjective evaluations of department

interviews, which operate on a systematic basis to disproportionately disadvantage black applicants, and which do not aid in predicting performance on the Police Force;

(c) the reliance, as a factor in determining eligibility for appointment, on character investigations, which operate on a systematic basis to disproportionately disadvantage black applicants, and which do not aid in predicting performance on the Police Force.

As a result of all these factors, in 1969 the percentage of white applicants who were hired by the Police Department was two to three times greater than the blacks'.

IV. VIOLATIONS OF LAW

8. The employment practices described in paragraph 7 hereof violate the rights of plaintiffs-intervenors and the class they represent under the due process clause of the Fifth Amendment to the United States Constitution, under 42 U.S.C. § 1981 and under D.C. Code § 1-320.

V. EQUITY

9. There is a real and actual controversy between the parties. The defendants, their agents, employees and predecessors have failed to take action to remedy the discriminatory employment practices set forth in paragraph 7 hereof, although the discriminatory quality of these practices has repeatedly been called to their attention. Plaintiffs-intervenors and the class they represent are suffering and will continue to suffer irreparable injury as a result of the discriminatory practices set forth in paragraph 7 herein. Plaintiffs-intervenors are without an adequate or workable administrative remedy.

VI. PRAYER

WHEREFORE, plaintiffs-intervenors pray that this Court:

A. Make a determination pursuant to Rule 23(c)(1) of the Federal Rules of Civil Procedure that this action may be maintained as a class action under the provisions of Rule 23(b)(2), and that the class represented by plaintiffs is comprised of all black applicants who, since the beginning of 1968, have unsuccessfully sought appointment to the Police Department.

B. Issue a declaratory judgment that the employment practices set forth in paragraph 7 herein are violative of the rights of plaintiffs-intervenors and the class they represent under the due process clause of the Fifth Amendment to the United States Constitution, under 42 U.S.C. § 1981 and under D.C. Code § 1-320.

C. Issue a preliminary and a permanent injunction:

(1) prohibiting the defendants from engaging in any of the practices listed in paragraph 7 herein;

(2) requiring the defendants to adopt standards for employment that will not discriminate against black applicants on grounds of race;

(3) requiring the defendants to notify class members of the adoption of the new standards, and to invite them to reapply;

(4) requiring the defendants to employ members of the class who meet the entrance qualifications of the Police Department in preference to all other applicants, and among class members, in the order of their dates of application;

(5) requiring the defendants to pay to class members who are so employed the salary of the lowest rank of

private, from the date of their first rejection by the Police Department until their date of employment, less the amount actually earned during this period.

D. Award such other and further relief as may be shown to be necessary or appropriate.

[Certificate of Service omitted in printing]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed January 5, 1972]

PLAINTIFFS' AND PLAINTIFF-INTERVENORS'
SECOND INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiffs and plaintiff-intervenors hereby direct the following interrogatories to all the defendants in this matter. Pursuant to Rule 33(a) defendants shall serve copies of answers and objections, if any, within 30 days of service of these interrogatories.

I. For each of the years 1968, 1969, 1970 and 1971, state separately:

(a) The total number of applicants for appointment to the Metropolitan Police Department;

(b) The total number of black applicants and the total number of white applicants for each year;

(c) The total number of applicants to whom the Police Department applicant test was administered;

(d) The total number of white and the total number of black applicants to whom the Police Department applicant test was administered;

(e) The total number of black applicants who passed the test and the total number of black applicants who failed the test;

(f) The total number of white applicants who passed the test and the total number of white applicants who failed the test;

(g) The total number of black applicants and the total number of white applicants who were offered appointment to the Metropolitan Police Department.

II. For each of the years 1968, 1969, 1970 and 1971 state the number of black applicants and the number of white applicants who scored at each score level on the applicant test. The answer to this interrogatory should be in the form of a list, for each year, indicating (a) each score level attained by any applicant in descending order; (b) the number of white applicants who achieved that score level; (c) the number of black applicants who achieved that score level.

III. State the passing score on the test administered to applicants by the Metropolitan Police Department.

[Certificate of Service omitted in printing]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed February 22, 1972]

ANSWERS OF THE DEFENDANTS WASHINGTON AND WILSON TO PLAINTIFFS' AND PLAINTIFF-INTERVENERS' SECOND INTERROGATORIES

James M. Murray, having been first duly sworn under oath, deposes and says that he is Administrative Services Officer, in the Administrative Services Bureau of the Metropolitan Police Department, and upon information and belief gives the following answers on behalf of the defendants Washington and Wilson to the second set of interrogatories received from the plaintiffs and plaintiff-interveners:

1. (a) The total number of applicants for appointment is approximately:

1968— 2556
1969— 3554
1970— 5093* (Adjusted 8366 Field Tested)
1971— 3749* (Adjusted 4510 Field Tested)
TOTAL 14952* (or 19,013)

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* Field Recruiting Terms from MPD Recruiting Branch tested the following applicants outside of the Washington, D.C. area on field recruiting trips:

Civilian	1970	—	2953 tested
	1971	—	714 tested
	1968 - 1969	—	unavailable
Military	1970	—	320 tested
	1971	—	47 tested
	1968&1969	—	unavailable
Field Total	1970	—	3273
Field Total	1971	—	788
Adjusted Total	1970	—	8366
Adjusted Total	1971	—	4510

These statistics represent the total number of applicants tested locally and in the field by the Metropolitan Police Department Recruiting Branch. Not reflected in these statistics is the number of applicants tested independently by the United States Civil Service Commission in military reservations and in out-of-state testing centers. No field statistics are available for 1968 or 1969. It is assumed that the listed statistics approximate the numbers who presented themselves for examination, since the examination is the first formal step in the application process and no one is precluded from taking the examination. At the Beginning of the examination the examiner explains this point and reads the qualifications from the brochure attached hereto as Exhibit "A", with modification for the weight for female applicants. Some few applicants have been observed to leave after this explanation in spite of the notification of the right to take the examination anyway.

(b) The total number of applicants as outlined in Interrogatory 1(a) above for the appropriate years were tallied to extract the number of black personnel. The number of black personnel in each category was deduced from the total number of personnel as reflected in the recruiting records for each respective year. The results from this deduction then became the "Other" figure. The figure "Other" as opposed to "White" was used in order to account for personnel in minority groups other than "Black".

Locally	1968	—Black	1695	Other	861	Total	2556
	1969	—Black	2499	Other	1055	Total	3554
	1970**	—Black	3508	Other	1585	Total	5093**
	1971**	—Black	2350	Other	1399	Total	3749**
							14952**

** Excluding Field Trips.

Field Trips

Civilian	1970	—Black	690	Other	2263	Total	2953
	1971	—Black	132	Other	582	Total	714
Military	1970	—Unavailable				Total	320
	1971	—Unavailable				Total	47

(1968 and 1969 statistics are unavailable)

(c) See statistics in Answer 1(a).

(d) See statistics in Answer 1(b).

(e) See also exhibits attached hereto.

BLACK LOCALLY TESTED

1968 — 773 Passed
922 Failed

1969 —1035 Passed
1464 Failed

1970 —1526 Passed* (Field Civilian 340 Passed)
1982 Failed (Field Civilian 330 Failed)

1971 — 991 Passed* (Field Civilian 82 Passed)
1359 Failed (Field Civilian 50 Failed)

(f) Also see charts attached.

OTHER LOCALLY TESTED

1968 — 729 Passed
132 Failed

1969 — 892 Passed
163 Failed

1970 —1383 Passed* (Field Civilian 1992 Passed)
202 Failed (Field Civilian 271 Failed)

1971 —1235 Passed* (Field Civilian 511 Passed)
164 Failed (Field Civilian 71 Failed)

(g) No statistics are kept on the total number "qualified for appointment but not appointed." However, the following were appointed from examinations given nationwide and from the ranks of police cadets, who are appointed without additional testing: **

1968	—Black	300	Other	502	Total	802
1969	—Black	495	Other	596	Total	1091
1970	—Black	767	Other	1015	Total	1782
1971	—Black	328	Other	443	Total	771
					TOTAL	4446**

* No racial breakdowns are available for Field Military Testing Trips.

II. See exhibits attached hereto which are divided into a "pass chart" and a "fail chart" for each year. The "pass chart" lists ratings and the "fail chart" shows number of correct answers.

III. The passing score is 40 correct answers which gives a passing rating of 70. A Transmutation Table from the Civil Service Commission is enclosed. It should be noted that since there is no waiting list, the important first step toward appointment is to get a score of 40 (70 rating).

/s/ James M. Murray
JAMES M. MURRAY

Subscribed and sworn to before me this 18th day of February, 1972.

/s/ Pauline B. Cypress
Notary Public, D.C.

My Commission expires: June 30, 1976

[Certificate of Service omitted in printing]

** Excluding military returnees and certain undercover officers.

Metropolitan Police Department

...A Challenge

NOW

Washington, D.C.

Can YOU handle a job like this?

The Challenge:

Cities are *people*.
The Metropolitan Police Department in the nation's capital needs young men and women who want to make a career of working *with* people, of working *for* people.

If you are that kind of person we would like to talk to you right now.

METROPOLITAN POLICE DEPARTMENT
THE RECRUITMENT BRANCH
300 Indiana Ave., N.W.
Washington, D.C. 20001

TO

FIRST CLASS
Permit No. 36281
WASHINGTON, D.C.

The Opportunity:

It's here . . .
A career with the MPDC is all you can make of it!
Education . . . all the way through college.
Advancement . . . it's fast and sure.
The challenge . . . it's as big as you can make it.
Variety . . . no two days are the same. Responsibility . . . it's big and it's yours . . .

Requirements:

- ☐ MUST BE A U.S. CITIZEN
- ☐ BETWEEN 20-29 YEARS OLD
- ☐ 5'7" TO 6'5" TALL
- ☐ WEIGH A MINIMUM OF 140 LBS.
- ☐ 20/60 VISION CORRECTABLE TO 20/20
- ☐ PASS A WRITTEN U.S. CIVIL SERVICE EXAM
- ☐ HAVE EXCELLENT CHARACTER

AND HAVE A HIGH SCHOOL DIPLOMA OR A CERTIFICATE OF EQUIVALENCY ISSUED BY A RECOGNIZED DEPARTMENT OF EDUCATION—OR ONE YEAR EXPERIENCE AS A SWORN OFFICER OR MEMBER OF A PRINCIPAL MUNICIPAL POLICE FORCE OF A CITY WITH A POPULATION OF 500,000 OR MORE PERSONS.

Veteran's Administration offers additional benefits to Police Officer trainees during the first 12 months of on-the-job-training for those who have had 181 days or more of active military service.
Officers who qualify will receive a minimum of $1,134 tax exempt allotment, prorated on a monthly basis.

In Washington, D.C. the written examination is given on a "walk-in" basis. YOU NEED NOT APPLY IN ADVANCE, but may report for the examination at the U.S. Civil Service Commission at 19th and E Streets, N.W. on:

The 2nd and 4th Saturdays of each month at 8:30 A.M.

Or, visit the Metropolitan Police Examination Center, 3214 Pa. Ave., S.E., which is open Monday from 5 P.M. to 11 P.M., Tuesday thru Friday 8 A.M. to 11 P.M., Saturday, 9 A.M.-5 P.M. Call 626-2689 for exact times tests are given.

Benefits:

Salary
Begin to earn $8500 a year at the start of training with periodic increases for satisfactory service.

Advancement
Advancement in rank is according to merit, with the best qualified persons being selected for higher positions on the basis of suitability and demonstrated knowledge and skill. All ranks above Officer and below Inspector are attained through competitive Civil Service examination.

Education
The Recruit Training Program of the Metropolitan Police Department has been given accreditation by the American University. Six college credits are awarded toward a Certificate in Police Administration. Thereafter, three fourths of the cost of tuition for courses in Police Administration offered by the American University in Washington will be paid by the Department. Certificates are earned after thirty credit hours of work.

Health Benefits
Medical and surgical care are furnished without cost. Thirteen days sick leave are earned each year and can be accumulated without limitation. Injuries and illnesses resulting from the performance of duty are not charged against earned sick leave.

20 Year Retirement
Officers may retire after 20 years service at 50 per cent of full salary. Retirement benefits increase thereafter at the rate of 2 per cent per year to a maximum of 80 per cent.

AN EQUAL OPPORTUNITY EMPLOYER

From the Chief:

LAW ENFORCEMENT IS THE MOST REWARDING CAREER OPEN TO A YOUNG MAN OR WOMAN TODAY. THE CHALLENGES THAT FACE TODAY'S PROFESSIONAL POLICE OFFICERS ARE IMMENSE, BUT SO ARE THE REWARDS.

IF YOU ARE INTERESTED IN A CAREER THAT MAKES A DIFFERENCE, A CAREER THAT COUNTS, FILL OUT THE ATTACHED APPLICATION AND MAIL IT TO ME TODAY.

WAW-010

EXHIBIT "B"

OUR Number 202-737-1199

Please cover under desk glass

Property of Det. G Chaillet

TRANSMUTATION TABLE

80 ITEM TEST

40 RIGHT ANSWERS REQUIRED FOR RATING OF 70

No. right answers	RATING	No. right answers	RATING
80	100	60	85
79	99	59	84
78	98.5	58	83.5
77	98	57	83
76	97	56	82
75	96	55	81
74	95.5	54	80.5
73	95	53	80
72	94	52	79
71	93	51	78
70	92.5	50	77.5
69	92	49	77
68	91	48	76
67	90	47	75
66	89.5	46	74.5
65	89	45	74
64	88	44	73
63	87	43	72
62	86.5	42	71.5
61	86	41	71
		40	70

BEST COPY AVAILABLE

NEGRO

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70
				1		2		1	4	1	2	1	2	6	2	3	5	5	9	5	6	7	7	5	6	10	9	14	15	15	6	12	11	10	20	14	26	17	15	18
								1	2	2	1		1		1	3	3			3	1	3	6	2	2	1	2	3	2	2	7	5	3		1	4	3	9	4	2	13
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1	1	2	1	3	2	4	2	7	14	7	13	8	15	10	16	27	28	24	32	31	37	41	33	31	53	46	37	63	55	68	53	64	67	64	69	73	89	102	90	143

1526

WHITE

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70
			2	2	6	4	3	1	2	6	11	7	8	8	16	9	7	9	6	11	9	7	6	11	9	6	9	7	3	3	3	4	4	8	1	7	6	1	3	12
	1	1	1				1	2	1	5	1	3		3	1	2	3	1	2	4	3	1		1	1				1	1		2	1	1	1		4	2	1	2
4	1			1	1		2		5	1	1	5	2	4	2	3	1		1	1		2		1	1				1	1	3	3		1		1	2	1			- 52
3			2	2	3		4				2	2	1	1		1	3	1	2	2	2		3	1	1				1				1							- 2
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9	3	18	18	15	28	28	37	25	30	95	45	47	41	48	43	43	55	33	50	40	52	44	38	40	38	28	32	34	35	33	31	35	31	42	26	29	33	29	20	42

1383

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
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												1			2		2	4	1	1	3	6	3	6	5	7	12	8	8	15	8	10	11	11	11	18	22	27	24

1971 - PASSED

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70
				1		2		2		2	4	7	4	3	5	5	8	4	11	11	12	5	10	13	9	5	11	13	12	7	18	15	18	9	18	15	18	13	18	23
1										1	1				1										1	1			2				1	2	2	6	1	1	1	1
				1		1		2		1	3	4	3	2	7	1	3	3	4	5	2	5	5	7	6	7	10	13	6	7	9	8	11	12	11	10	9	18	19
						2	1					3			3	1	2		3	1	2	1		1				3		2	2	6		8	2	5	1	2	5	5
			1	1	1			2	2	2	3	8	3	2	5	5	5	7	10	8	5	5	11	16	7	18	8	11	18	6	13	11	13	15	9	14	19	18	12	11
					1			2					2	4		2	1		1	3	3	6	1	2	2		2	5	3	5	3	1	5	5	4	5	7	1	7	9

NEGRO

991

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70
	1	1	3	8	11	8	9	11	12	6	18	11	19	11	18	9	12	19	14	13	9	13	18	19	15	10	16	12	8	18	11	9	4	9	3	3	9	5	11	8
							1		1													2		1	2		1													
			3		8	5	7	8	10	9	8	4	7	7	7	10	11	12	5	11	8	8	5	8	12	16	9	9	12	5	4	5	9	6	8	8	3	11	3	7
							3	5	3		1	1	2	1	3	1	1	7	2	1	2		3	1	3	4	3		4		1		8	3	1	1			2	
	1		4	9	4	5	8	7	6	12	17	9	1	21	12	15	9	9	18	15	11	13	18	13	10	16	8	16	16	6	8	10	11	11	5	8	8	5	4	12
								3	2	4	2	3	2	2	5	3	3	3	8	6	3	4	1	10	5	1	1	2	3	2	3	2	1	3		4	3	5	1	2

WHITE

1225

1971 - FAILED

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	NEED
								3	2	2	2	4	4	5	9	10	17	12	18	16	10	19	14	19	19	21	14	24	21	20	23	17	24	17	29	22	19	18	
												1				1	1		1		1	1	1	2		1	1	2	2			1			1	1			
									1	3	1	1	1	5	3	3	5	8	8	9	12	3	14	13	17	19	13	18	15	14	15	19	19	19	26	23	12	20	
															1	1		3	1	3	5	1	2		1	1	4	3	5	8	8	3		1	7	4	4	3	
							1	3	1	1	1	4	4	4	9	4	12	11	12	15	16	17	20	19	20	18	17	20	22	17	21	16	12	17	14	16	19	17	
												1			1			1	2	2		3	4	4	2	4	5	3	2	4	6	12	8	5	6	4	5	8	
							1	6	4	6	4	11	9	14	23	19	35	31	39	45	44	42	54	57	63	64	54	70	71	59	73	66	59	61	78	70	59	68	1359
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18°	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	HAVE
																		1	1	2		1	2		1	3	1	2	2	4		7	1		5	6	4	8	
																				1												1		1					
						1									11					2				2	1				3	1	2	3		1	5	1	4	6	
						1																				1		1	1	2	3		2	2			2	
										1				1								1	2	2	2	1	2	1	3	2	2	3	5	4	2	3	5	2	
																												1		1			2					
																																		2	2	1	2	2	164
						1				1				1	11			1	1	5		2	4	9	4	5	3	5	11	10	6	14	6	10	14	11	15	14	

1968 - PASSED - Per Cent

99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70	NEGRO
								1		1	2	2	2	1	2	1		6	5	2	2	3	3	7	1	6	8	6	3	6	7	12	4	7	5	7	8	6	11	- 135
						1				1	2	1	1				3	2	3	7	5	5	7	8	6	8	11	3	12	9	7	10	4	11	12	9	15	10	21	- 193
				1		1	1	2	1	1	12	7	5	6	8	1	10	9	9	14	10	19	11	16	23	16	19	15	20	21	17	17	29	20	17	30	25	32	-
				1		2	1	3	1	6	5	5	10	6	8	9	4	18	17	18	21	18	29	26	23	37	35	27	30	55	35	39	25	47	37	33	53	41	68	773

99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70	WHITE
						2	1	3	3	6	2	3	5	4	8	4	4	8	2	5	5	6	4	4	5	9	8	8	8	5	5	7	5	7	6	6	4	2	7	-171
			2	1	3	1	1	5		3	4	4	3	9	5	3	4	6	8	3	10	3	9	3	3	10	6	6	8	9	6	6	5	4	5	3	6	3	5	-175
1				1	4	2	5		6	8	12	3	9	10	13	14	11	16	20	10	9	13	6	14	15	6	16	12	16	9	12	16	12	18	9	11	10	10	10	12	-
1			3	5	5	8	2	14	11	21	19	16	18	26	31	18	24	31	20	17	28	15	27	22	14	34	26	30	25	26	29	25	25	20	22	19	20	15	24	729

BEST COPY AVAILABLE

1968 - FAILED

NUMBER of correct answers

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	
										1		1		2	1	8		1	5	6	2	7	3	8	6	10	9	6	12	8	12	5	10	17	14	9	10	6	-17
										1			1	3	5	4		5	6	8	9	7	11	9	11	6	14	18	20	12	10	12	10	16	12	12	11	12	-
											4	3	2	3	5	2	7	10	13	11	15	14	12	19	14	25	14	28	29	41	32	24	30	27	29	30	31	18	-

CHART #2

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	
										2	4	4	3	8	11	14	7	16	24	31	26	28	26	36	31	41	37	52	61	61	54	41	52	60	53	51	52	36	92
																			2			2			2	1	2	4	1	2	3	2	1	6	1	3	3	4	-3
													1				1			2		1	1	1		1		4	3	1	2	3	1	4	2	5	3	3	=4
																					1			3	5	2	1	3	5	3	4	3	3	4	4	4	4	5	

(1 1 1 1 1 1 1)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	
													1				1		2	2	1	3	1	4	7	4	3	11	5	6	9	10	5	14	7	13	10	9	14

1964 - PASSED

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70	NEGRO
												1	1	1	2	1	1	2	2	2	2	3	4	2	5	1	1	5	5	3	8	5	4	4	6	6	4	6	5	18	-105
												1		1			1			1		1		1	3	1	1	1	2			2	5	2	2		2	4	2	2	-35
								1	1	1	1	4	3	1	8	3	3	1	9	9	5	5	10	14	12	8	15	11	15	9	18	16	20	10	15	10	12	16	12	28	-306
										2	2	1		1	2	1	2	3	3	2	1	6	5	5	1	10	10	8	6	10	7	14	19	7	18	11	15	17	19	21	-234
							1				1			2	2	3		3	3	2	2	3	8	2	7	3	4	2	4	1	7	6	10	11	7	6	9	12	15	8	-154
								2	1		3	1	2	5	3	3		2	2	3	6	3	8	6	10	8	4	7	9	6	6	7	9	11	7	16	6	14	15	29	
							1	3	2	3	7	8	6	11	17	11	7	11	17	19	16	18	35	38	38	28	35	34	41	29	46	50	67 C	45	53	54	48	69	68	98		1035

100	99	98.5	98	97	96	95.5	95	94	93	92.5	92	91	90	89.5	89	88	87	86.5	86	85	84	83.5	83	82	81	80.5	80	79	78	77.5	77	76	75	74.5	74	73	72	71.5	71	70	WHITE
					1		1		1	1	1	2	5		5	4	2	4	9	4	3	2	5	2	3	4	1	2	1	3	1	2	2	1	4	5	2	3	3	2	-92
								1			1	1	1	2	1	2		1	1	2	3	3	1	1		1					4		1					1	1	-26
		1	2	3	5	3	8	7	7	5	6	6	12	5	12	10	9	7	13	12	6	12	11	17	6	9	12	12	5	7	10	10	12	6	5	5	5	8	5	7	-303
							1	2	1	2	4	3	6	7	5	5	7	7	5	8	5	6	3	6	5	8	3	3	10	10	1	13	4	6	2	3	5	3	1	7	-167
					1		6	3	4	1	4	4	1	3	2	2	7	3	5	9	4	8	3	2	9	6	2	3	7	3	2	5	3	4	5	3	4	5	1	6	-141
						1	2	1	1	1	4	8	2	8	9	4	6	6	7	7	8	2	8	6	2	7	1	6	6	3	4	6	5	5	1	4	4	2	4	9	
										10	20	24	27	21	34	30	31	31	42	42	22	33	31	34	25	35	25	26	29	26	18	40	26	23	17	30	30	21	15	32	892
		1		3	7	4	18	14	14																																

1969 - FAILED

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	LEGRO
												2	1	2	1	2		2	5	1	5	2	4	6	7	4	7	7	4	7	10	7	12	6	4	7	5	10	-130
																	1						1			1					1		6	3	3	2	1	1	-20
											1	1	3	3	7	11	7	14	12	11	13	15	17	20	16	18	25	24	18	29	26	20	26	20	35	30	25	17	-451
									1		3	1	2	4	2	4	9	7	14	17	12	14	22	13	25	20	25	15	20	18	20	27	29	25	19	19	21	18	-426
											1	2	3	3		6	4	6	4	11	6	11	14	10	16	13	11	9	14	9	15	13	17	11	16	12	15	4	-2[illegible]
									2				3	3	4	4	4	4	5	3	5	7	9	10	18	8	15	11	13	24	14	15	15	8	17	12	6	3	
[illegible]									3		5	6	12	15	14	27	25	33	40	43	41	49	67	59	82	64	83	62	71	87	86	82	105	73	94	81	73	53	1464

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	WHITE
													1		1					1		1	2	2	1				1	1			4	1	1	3	1	-21
																												1				1	1				1	3	-7
												1					1	2	1	1		4		4	2	1	3		1		5	2	5	3	5	6	7	4	-58
																							1		1	2	2		1	3	3		4	6	2	3	4	2	-34
																	1			1				1		1	1	2			2		2	1	2	1	3	1	-19
															1				1	1	1		1	1				1	1	1	1	4	2	1	1	2	1	3	
[illegible]																																							
												1	1		2		2	2	2	4	1	5	4	8	4	4	6	4	3	5	17	7	14	15	11	13	19	14	163

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed June 14, 1972]

MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs and plaintiffs-intervenors hereby move this Court for a partial summary judgment as to the legality of the tests used to select applicants for entry level positions as police officers in the Metropolitan Police Department.

These parties request that the Court:

1. Declare that said tests are unlawfully discriminatory and thereby in violation of the due process clause of the Fifth Amendment to the United States Constitution;

2. Enter a permanent injunction barring use of this test and any substitute test or selection procedure not presently in use for choosing among applicants for entry level positions as police officers unless and until such test or other selection procedure has been validated in accordance with Guidelines on Employee Selection Procedures of Equal Employment Opportunity Commission;

3. Enter a further injunction requiring defendants to notify class members of the modified selection procedures, to invite them to reapply and to give each of them priority consideration for appointment to new openings in order of their dates of application.

4. Defer the determination of other and further relief on this issue, including the grant of back pay for the period of unlawful exclusion and the fixing of compensatory hiring requirements, until trial and final decision of the action as a whole.

As grounds for this motion, plaintiffs and plaintiffs-intervenors state:

1. That said test has a highly discriminatory impact in screening out black candidates;

2. That said test bears no relationship whatsoever to job performance;

3. That the cumulative impact of defendants' reliance on said test for a period of many years has been to grossly reduce the number of blacks entering the Metropolitan Police Department in violation of the lawful rights of the plaintiffs, the plaintiffs-intervenors and of the class which they represent;

4. That there is no issue of material fact as to this issue and plaintiffs and plaintiffs-intervenors are entitled to this summary judgment as a matter of law.

This motion and the grounds therefor are more fully developed in the attached supporting memorandum and affidavits.

[Certificate of Service omitted in printing]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed April 27, 1971]

AFFIDAVIT

Dr. Richard S. Barrett, first being duly sworn, deposes and says:

1. I live at Five Riverview Place, Hastings-on-Hudson, New York. I am Director of Research of the School Division of the Center for Urban Education, 105 Madison Avenue, New York City, N.Y. The views expressed in this affidavit are my own and do not necessarily represent the position of the Center for Urban Education.

2. I was principal investigater of a study sponsored by the Ford Foundation and reported in *Testing and Fair Employment*, by Kirkpatrick, J.J., Ewen, R.B., Barrett, R.S., and Katzell, R.A., New York University Press 1968. I have consulted on testing with the United States Air Force, Standard Oil (New Jersey), Lever Brothers, and the Equitable Life Assurance Society.

3. I have examined *Test 21* of the United States Civil Service Commission, Series No. 15 (b), June 1962, Series No. 173, February 1970, and Series No. 121, February 1970. I have reviewed *Examination for Promotion in the Metropolitan Police Department of the District of Columbia*: Uniform Sergeant, Series 30, October 1965, and for Sergeant and Detective Sergeant, Series 31, October 1967, and Series 32, June 1969. I have also reviewed *Relation of D.C. Police Entrance Test Scores to Recruit School Performance of White and Negro Policemen* by David L. Futransky, November 1967.

4. I have formed the opinion that the use of these tests is likely to discriminate against Negro candidates for employment or promotion. My opinion is based solely on the documents that I have listed above; additional information on the tests might change the reasoning and conclusions set forth below.

5. Test 21 is typical of aptitude tests that rely heavily on verbal material. It includes items on the interpretation of proverbs, vocabulary, analogies, reading and interpreting short passages, and general knowledge. There is ample documentation of the fact that Negroes tend to score lower on such items than do whites. It is essential that study be made to demonstrate an adequate relationship between scores on the test and actual job performance (*criterion related validity*) for Whites and Negroes before its use is accepted as non-discriminatory.

6. The research study of Test 21 by D. L. Futransky leaves many questions unanswered including the comparability of the Negro and White populations, the fairness and reliability of the standards against which the validity of the test was established, and the nature of the recruit training program, so the following conclusions drawn on the basis of the study must be tentative.

7. The study indicates that test scores of both white and Negro candidates are positively correlated with grades in Recruit School. However, only for whites is there a positive correlation between grades and a rating of job performance. Also, for whites only, there appears to be a positive correlation between test scores and performance ratings, but the statistics are incomplete, and the statistical significance of the result is not reported.

8. This study shows no benefit for using the tests in selection of Negroes, since no relationship is shown between test score and job performance. The fact that some relationship appears between test scores and Recruit

School grades is of no significance since no one fails Recruit School and grades there do not correlate with later performance. The study itself properly questions the value of the use of a passing score of 40 as now required. The only way to establish value for the test for selecting Negros is to substantially lower the passing score—preferably to eliminate it—and then to see if, on the basis of results on a sample, a passing score can be justified. Without further information, I could not suggest the appropriate lowered passing score for such a test; but it is doubtful whether a minor downward adjustment to 35, as suggested in the report, is sufficient. The objective should be to reduce it to the lowest possible level. Absent a showing that a particular passing score is justified, the test is serving no organizational purpose, and, since Negroes can be expected to do poorly on the test, it can be concluded in the absence of contrary evidence that it is discriminating unfairly.

9. The examinations for promotion to Uniform Sergeant and to Sergeant and Detective Sergeant were studied in the absence of any data regarding their effectiveness; the D. L. Futransky study did not cover these tests. The following comments, therefore, are made about the general issues involved in the use of such tests.

10. The efficacy of tests can sometimes be determined by *content validity* rather than *criterion related validity*. Content validity exists to the extent that the tasks required of the test constitutes a sample of what is done on the job, as with a typing test for typists, or a welding test for welders. However, this content validity cannot be based on a mere superficial resemblance between test items and the job. This is "face validity" which is universally recognized to be of little value. Rather, content validity demands that a thorough job analysis be made to show that the test behavior is in fact a sample of job behavior. Even superficial acquaintance with a police

sergeant's duties supports the conclusion that answering hypothetical questions about incidents involving police intervention, or interpreting regulations is not a sample of police work since there is a vast gulf between writing about action and taking action, and between knowing regulations and applying regulations wisely. Therefore, the test cannot be justified on the ground of content validity, unless supported by careful and complete job analyses.

11. If the police department wishes to justify these promotion tests on the basis of *criterior related validity* rather than *content validity*, an empirical study is required to determine whether the test predicts job performance with sufficient accuracy to be useful, and, if a passing score is to be used, what score is appropriate. If possible, data on whites and Negroes should be treated separately. Without such a study, no one will know whether the test discriminates unfairly. Again, since Negro candidates typically do less well than whites, especially on a test that emphasizes reading skill as does this series, it is likely that the test discriminates unfairly.

/s/ Richard S. Barrett
RICHARD S. BARRETT

Signed and sworn to before me, this —— day of———
—, 1970.

/s/ James D. Talbot
JAMES D. TALBOT
Notary Public

AFFIDAVIT

[Filed April 27, 1971]

December 8, 1970

I, James J. Kirkpatrick, being duly sworn, say and depose:

1. The following is a brief resume of my professional qualifications.

Dr. James J. Kirkpatrick is an industrial psychologist, having received his Ph.D. degree from Syracuse University in 1953. His professional experience includes having served as project director for the American Institute for Research in Pittsburgh, followed by twelve years in full-time management consulting as a principal in the firm of Harless and Kirkpatrick Associates in Florida. His consulting experience includes the areas of personnel selection, training, management evaluation and development, and market and motivation research. Returning to the academic and research field, he directed a two-year study of testing and fair employment at New York University under a Ford Foundation grant. In 1967 he came to California as Professor of Manpower Management in the School of Business Administration at California State College at Long Beach, where he is continuing his research interests.

Dr. Kirkpatrick is a Diplomate in Industrial Psychology of the American Board of Examiners in Professional Psychology. He also is a Fellow in the American Psychological Association. Listed in *American Men of Science*, the *Advertising Research Foundation Directory of Motivation Research*, the Marquis' *Who's Who in the South and Southwest and World's Who's Who in Commerce and Industry*, he is the author of

numerous publications in the personnel and management fields. In response to the critical need for guidelines regarding the employment of minority groups, he has written *Testing and Fair Employment*, published in 1968 by the New York University Press, and has served in a number of court cases as an expert witness.

2. Opinions regarding the entry examination for police (U. S. Civil Serviec Commission Test No. 21) based on reviewing the test itself and the report "Relation of D. C. Police Entrance Test Scores to Recruit School Performance and Job Performance of White and Negro Policemen" prepared by David L. Futransky, November, 1967.

   a. The evidence contained in the report for the validity of the test is so weak and conflicting that I conclude that its value for the selection of Negro police applicants has not been demonstrated. My conclusion is based on the following facts:

   (1) On the first page of the report, under Highlights of Findings, 3., it is stated "For the Negro officer, Test 21 (40 and above) does not predict differences in on-the-job performance." This statement was made in terms of supervisory ratings of job performance.

   (2) Using the number of negative incidents as an indicator of job performance, those Negroes scoring best on Test 21 actually had *more* negative incidents (57%) than those Negroes scoring lower on the test (37%)—the opposite of what would be expected for the test to have positive validity for the selection of Negro applicants. (Table 6).

   (3) Using the number of positive performance incidents as a measure of job succ... , there

was no appreciable difference between high scoring and lower scoring Negroes (30%-29%, respectively). (Table 7).

(4) On page one, paragraph 6 under Highlights of Findings, it is stated "The Negro group has a lower separation rate than the white group. (Table 2)" Considering the fact that a lower separation rate is often considered an indication of job success in personnel research studies, it is difficult to reconcile this result with the fact that whites scored higher than Negroes on Test 21. These findings certainly show that the test used in the routine way would not be appropriate for Negroes, even if it were concluded that it were valid for whites. In fact such a test procedure suggests that Test 21 might be unfair to Negroes.

(5) It is stated on page one, paragraph 1, that Test 21 shows "a reasonably high relationship to performance in Recruit School for both white and Negro appointees." This one statement might appear to offer some indication of validity for the test for Negroes. However, it is admitted on Page 6 that performance in the school (as measured by achievement tests) is not significantly related to job performance as rated by supervisors. Also, to attempt to establish validity of an entry test solely on the basis of an achievement test is a somewhat questionable procedure in personnel research, and in addition, in this instance, the process is further confounded by the fact that individuals were allowed to repeat the achievement test if they do poorly at first (page three, paragraph 1), and it is not clear which results are being reported.

(6) It is admitted on page one of the report (paragraph 2. *Test Scoring Standards*) that it would involve little risk on the part of the Department to admit applicants in the scoring range of 35 to 40, although the passing score on the entry test had been 40, because with a cutting score of 40, all selectees complete Recruit School. Especially since Negroes on the average score lower than whites on the entry test, it would seem necessary to lower this cutting score, perhaps even lower than 35. In other words, why hold to even 35 since the data don't demonstrate job validity for Negroes and there is even some indication of unfairness in that while Negroes don't score as high on the entry test, they have longer job tenure than whites?

b. A review of Test 21 indicates to me that it is somewhat similar to other tests that my research, as reported in *Testing and Fair Employment*, as well as test validation research published by others, has found to be lacking in validity for Negroes, and in some instances unfair to Negroes.

3. Promotion Examination. No research study was given to me for the "Examination for Promotion to Uniform Sergeant in the Metropolitan Police Department of the District of Columbia (Series 30, October, 1965)," although I did have the opportunity to review this promotion test. On the basis of that review, I conclude the following:

a. There is a need to perform a comprehensive job analysis in devising such a test, and I have no knowledge of such a job analysis study being conducted to develop this test.

b. There may be a significant degree of cultural bias in the promotion test that would work against the

Negro because the test items involve the reading of rather lengthy and complicated paragraphs. Some such tests, placing a premium on reading ability, have been found to place the Negro at a disadvantage in competition with whites, e.g. *Testing and Fair Employment.*

c. Furthermore, it is possible that the written problem situations presented in this test, while seeming to describe practical situations, do not in reality relate to performance in similar real life situations.

d. While this promotion test seems to have "face" validity, evidence based on hard data should be produced to justify its value in terms of "content" validity. "Content" validity is not assumed just on the basis of faith.

/s/ James J. Kirkpatrick
JAMES J. KIRKPATRICK

/s/ Harold F. Stemm
Notary Public
Dec. 8, 1970

CITY OF WASHINGTON)
) ss.
DISTRICT OF COLUMBIA)

[Filed April 27, 1971]

AFFIDAVIT

Before me, the undersigned authority, personally came and appeared C. TERRENCE IRELAND, Ph. D., known to me, who, after having first been duly sworn, did depose and say:

1. My name is C. Terrence Ireland. I am a citizen of the United States and a resident of the District of Columbia. I am a tenured Associate Professor of Statistics at George Washington University in the District of Columbia. My professional qualifications are as follows:

I received the degree of Bachelor of Arts in mathematics from Cornell University in 1960, and the degree of Doctor of Philosophy in mathematical statistics from George Washington University in 1967. I have spent one year at this University on a National Aeronautics and Space Administration fellowship, and I have taught in the Department of Statistics at this University continuously since 1966. I am a member of the Institute of Mathematical Statistics of the American Statistical Association, of the American Association for the Advancement of Science and of the Association for Computing Machinery, all of which are professional societies.

I have been selected as a "referee"—a person to whom a professional journal submits proposed articles for comments and suggestions before the articles receive editorial clearance for publication—by three professional journals: the *Journal of the American Statistical Association*, *Biometrics*, and the *American Statistician*. I have co-authored articles and reports appearing in the *Journal of the American Statistical Association*, in *Biometrika*, and in

Biometrics. I have several years of experience in developing computer programs and in analyzing complicated data with the assistance of computers.

I have served as a consultant for the following agencies or organizations:

Department of Defense
District of Columbia Office of Crime Analysis
George Washington University Social Research Group
George Washington University Hospital
Office of Economic Opportunity
Washington Regional Medical Program

2. I have been given, by counsel for plaintiffs in *Davis* v. *Washington*, C.A. No. 1086-70 (D.D.C.), the following tables of actual pass/fail statistics on recent applicant examinations, for locally-tested applicants, and for field-tested civilian applicants, for positions as policemen with the Washington Metropolitan Police Department:

A. *Locally Tested Applicants*

	1968	1969	1970	1971
Black Passed	773	1,035	1,526	991
Blacks Failed	922	1,464	1,982	1,359
Other Passed	729	892	1,383	1,235
Other Failed	132	163	202	164

B. *Field Tested Civilian Applicants*

	1970	1971
Blacks Passed	340	82
Blacks Failed	330	50
Other Passed	1,992	511
Other Failed	271	71

I have been informed by counsel for plaintiffs that these statistics have been taken from the Answers of the Defendants Washington and Wilson to Plaintiffs' and Plaintiffs-Intervenors' Second Interrogatories, and that these Answers define "Other" as including both whites and persons in minority groups other than black.

3. It is a commonly accepted statistical technique to examine the degree of the difference in two sets of data, to see if the difference is large enough to be considered important. For example, if a statistician is asked to examine the different pass/fail statistics for locally-tested black applicants and locally-tested white applicants in 1968, the first thing he would ordinarily do is analyze the data to see if the difference is statistically significant. If the difference is not statistically significant, or if the degree of significance is very low, the difference can be disregarded as unimportant. The higher the degree of significance, the more important the difference.

I have performed these calculations for each set of test results listed in the tables in paragraph 2, and I have concluded that the difference in pass-fail rates between black and white applicants are statistically significant, to a very high degree of significance, for both locally-tested and field-tested civilian applicants for each year in which there is data.

4. If the Police Department had used some other selection mechanism instead, one which produced in each year the same total number of passes and the same total number of failures, but did so without any racial impact, the expected differences would have been:

A. *Locally Tested Applicants*

In 1968, 223 more blacks, and 223 fewer others, would have passed.

In 1969, 319 more blacks, and 319 fewer others, would have passed.

In 1970, 477 more blacks, and 477 fewer others, would have passed.

In 1971, 404 more blacks, and 404 fewer others would have passed.

B. *Field-Tested Civilian Applicants*

In 1970, 192 more blacks, and 192 fewer others, would have passed.

In 1971, 27 more blacks, and 27 fewer others, would have passed.

For both groups, in all years for which there is data, such a racially neutral selection mechanism would have resulted in 1,642 more black applicants, and 1,642 fewer other applicants, passing and thus eligible for appointment.

5. Using commonly accepted statistical tools, it is possible to calculate the probability, in each of these six situations, that any truly racially neutral selection device could have produced this or a greater level of disproportion in scoring patterns, *i.e.*, that the same scoring patterns might have occurred by chance. In other words, there is always a possibility, no matter how remote, that a particular disproportion, or a greater disproportion, in scoring patterns might be the product of chance. Using these statistical tools, it is possible to discover the size of this possibility, and thus the weight that should be given to it.

In order to perform this analysis, it is necessary to assume that, in each of the six sets of test results, there was the same distribution of qualifications—in terms of real ability to perform a policeman's job—among the black applicants as there was among the white applicants. After making this assumption, the question for each set of test results becomes: What is the probability that any racially neutral selection device could produce this or a more disproportionate pattern of scores when the two racial groups have the same distribution of real qualifications? The answer to this question shows the size of the possibility that these results could have occurred by chance.

I have performed this analysis for each of the six sets of test results listed in paragraph 2. The statistical analysis used is commonly known as the Chi-Square test, and is also known as Pearson's X^2 test. As noted above, this is a commonly accepted statistical test. In reading these probability figures, it is important to remember that "10 to the 10th power", for example means that 10 zeros should be added to 1 to get the number described. "One chance in 10 to the 4th power" thus means "one chance in 10,000", and "one chance in 10 to the 10th power" means "one chance in ten billion" (10,000,000,-000).

For each set of test results, and under the assumption explained above, the probability that a racially neutral selection device could have produced this or a more disproportionate level of results, *i.e.*, that it could have been obtained by chance, is:

Test	Probability
1968 Local Test:	less than 1 chance in 10 to the 85th power
1969 Local Test:	less than 1 chance in 10 to the 131st power
1970 Local Test:	less than 1 chance in 10 to the 206th power
1971 Local Test:	less than 1 chance in 10 to the 186th power
1970 Field Test:	less than 1 chance in 10 to the 85th power
1971 Field Test:	less than 1 chance in 10 to the 10th power
All Six Tests:	less than 1 chance in 10 to the 703rd power

It is extremely rare for a statistician to work with probabilities so small, so rare that the tables ordinarily used by statisticians do not even extend to probabilities so small. A probability so small is, frankly, difficult for even a statistician to grasp. It can be put into more human terms by answering this sample question for each set of test results: If the applicant examination were given once a minute to groups of white and black applicants having the same characteristics as the group of white and black locally-tested applicants in 1968, and if the test is racially neutral and black applicants have the

same distribution of real qualifications as white applicants, how long would we have to give the test in order to expect that the 1968 locally-tested pass/fail rate, or a more disproportionate pass/fail rate would occur once?

The answer for each set of test results is:

Test	How Long Should We Expect to Give the Test in Order to Expect That This, or a More Disproportionate Pass/Fail Rate, Would Occur Once, if the Test is Racially Neutral?
1968 Local Test	Once a minute for more than one hundred billion years.
1969 Local Test	Once a minute for more than one hundred billion years.
1970 Local Test	Once a minute for more than one hundred billion years.
1971 Local Test	Once a minute for more than one hundred billion years.
1970 Field Test	Once a minute for more than one hundred billion years.
1971 Field Test	Once a minute for 189 years.

6. I have read over and fully understand the above statement.

/s/ C. Terrence Ireland
C. TERRENCE IRELAND

Subscribed and sworn to before me this 12th day of June, 1972.

/s/ Paul W. Kellerman
Notary Public

(SEAL)

My Commission expires: Feb. 28, 1975

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 17, 1972]

MOTION OF DEFENDANTS WALTER E. WASHINGTON AND JERRY V. WILSON FOR PARTIAL SUMMARY JUDGMENT

The defendants Washington and Wilson move the Court to enter on order granting them partial summary judgment as to the aspects of this litigation relating to the entrance examination, hereinafter referred to as Test 21, criteria upon which members of the Metropolitan Police Department are hired, for the following reasons:

1. The complaint as regards Test 21 fails to state a claim upon which relief can be granted.

2. Test 21 is a valid means of determining whether or not an applicant for employment with the Metropolitan Police Department possesses sufficient basic skills requisite to master the curriculum which he must study in the Training Academy.

3. Test 21 has been analyzed and empirically validated for use for the purpose of which it is given.

4. Test 21 is valid for the purpose for which it is given since it is predictive of success in the Training Academy.

5. Test 21 is not administered to applicants for employment in order to determine how they will perform as police officers generally, but for the limited purpose of determining the ability of applicants to successfully complete the training school.

6. Plaintiffs seek relief that would, in effect, result in the establishment of a racial quota system, a practice

which is prohibited to any extent by Section 1-320, D.C. Code, 1967 ed., Supp. V, and by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

The affidavit of James M. Murray, Administrative Services Officer of the Metropolitan Police Department, is attached hereto and made a part hereof.

/s/ C. Francis Murphy

[Certificate of Service omitted in printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1973]

AFFIDAVIT OF JAMES MURRAY

DISTRICT OF COLUMBIA, ss:

James M. Murray, having first been duly sworn under oath, deposes and says that he is the Administrative Services Officer, Administrative Services Bureau of the Metropolitan Police Department and in that official capacity makes the following statements relative to the efforts of the Metropolitan Police Department in recruitment and hiring of police officers:

1. I was appointed as Personnel Director in August, 1969, at the time Jerry Wilson became Chief of Police. It was clearly understood that, along with revamping the personnel system, I would launch a recruitment effort, a significant portion of which would be directed towards increasing the numbers of blacks in the department. During the first six months I was Personnel Director, the following results were achieved:

	Auth. Strength	Blk. %	On Board Beginning of Month Total	Blk.	Wht.	Appointments By Month Tot.	Blk.	Wht.
Aug. 69	4,100	30.2	3,677	1,114	2,563	87	46	41
Sept. 69	4,100	30.8	3,725	1,148	2,577	133	61	72
Oct. 69	4,100	31.4	3,823	1,203	2,620	86	45	41
Nov. 69	4,100	31.9	3,852	1,231	2,621	70	36	34
Dec. 69	4,100	32.1	3,886	1,248	2,638	50	26	24
Jan. 70	4,100	32.1	3,908	1,265	2,643	128	65	63
							279	275

Except for the month of September, 1969, more than 50% black hiring was accomplished. This contrasted with the following results for the previous six months:

Feb. 69	4,100	28.1	3,338	941	2,397	91	37	54
Mar. 69	4,100	28.3	3,397	963	2,434	121	46	75
Apr. 69	4,100	28.7	3,492	1,003	2,489	75	29	46
May 69	4,100	29.8	3,542	1,057	2,485	97	51	46
June 69	4,100	30.0	3,592	1,078	2,514	87	28	59
July 69	4,100	30.0	3,643	1,095	2,548	68	26	42
							217	322

As will be noted, in the previous six months, only one month out of six achieved more than 50% hiring of blacks.

It was in January, 1970 that the White House requested us to step up our recruitment dramatically, in order to achieve a 5,100 man department by the summer of 1970. The only way to achieve such a massive effort was to change the policy I had instituted in my first month of putting the bulk of our recruiting resources into recruiting locally and to go all out nationwide on all fronts.

Even as the necessity of the nationwide effort became evident, I continued to direct considerable attention at black recruiting, both locally and in our recruitment trips around the country. Locally, we attained the following results, between January 1, 1970 and September 4, 1970:

LOCAL EFFORT

Time Periods Covered By This Report	1/ 1/70 to 7/15/70	1/ 1/70 to 7/22/70	1/ 1/70 to 7/29/70	1/ 1/70 to 8/10/70	1/ 1/70 to 8/17/70	1/ 1/70 to 8/24/70	1/1/70 to 9/4/70

TEST RESULTS

		2635		2791		2858		3010		3181		3287		3465
Total	Blk	1938	Blk	2023	Blk	2063	Blk	2175	Blk	2279	Blk	2362	Blk	2495
Tested	Wh	697	Wh	768	Wh	795	Wh	835	Wh	902	Wh	925	Wh	980
		1818		1421		1467		1561		1679		1744		1853
Total	Blk	766	Blk	803	Blk	824	Blk	880	Blk	936	Blk	979	Blk	1039
Passed	Wh	552	Wh	618	Wh	643	Wh	681	Wh	743	Wh	765	Wh	814
		593		615		642		722		774		813		905
Reported	Blk	321	Blk	334	Blk	345	Blk	396	Blk	425	Blk	449	Blk	501
for Duty	Wh	272	Wh	281	Wh	297	Wh	326	Wh	349	Wh	364	Wh	404

As will be noted, these results were obtained by shifting the bulk of the local recruiting efforts to recruiting larger numbers of blacks. But the fact is, in spite of the proportion of blacks and white who pass and fail Test 21, we were still able to achieve hiring of more than 50% black in the local area.

Our efforts in other cities did not achieve the same kind of success for several reasons: many of the black citizens and leaders in other cities reacted to our efforts in one of two ways: either they were hostile to all efforts from police departments or else they were not happy that we were coming to their city to recruit their young black men whereas their own police departments, in some instances, did not appear to be making significant efforts to attract them.

Even with this problem, however, we attained significant increases in the total number of blacks coming into the department.

2. After I was promoted to Administrative Services Officer in July of 1970, Chief Wilson and I selected Deputy Chief Tilmon O'Bryant, a black official, to be the first Deputy Chief in charge of Personnel and Training. Among his other duties Deputy Chief O'Bryant supervises the hiring and the promotion examination process. For my replacement as Personnel Director Deputy Chief

O'Bryant and I selected Mr. Waldell Longus, a black civilian.

3. The success of the local effort at black recruitment of the Metropolitan Police Department has been widely recognized on January 25, 1971, the New York Times noted that only the District of Columbia, among the nation's large cities, could "lay claim to any real success in significantly increasing the number of blacks on its force." That article, in its entirety is attached hereto as Exhibit "A".

One of the reasons why we achieved some credibility in the community in connection with our recruitment drive is that we were sincere in our intentions and we obtained results. Beyond this, however, we did not look on recruitment as an isolated activity. We set out to improve all aspects of the police personnel system, to provide justice and equity to all officers. Part of this was an improved probationary review process, part of it was providing a vehicle for rejecting applicants cases to be reviewed in the presence of the applicant. Part was improving the disciplinary process. In addition, conscientious attention was paid to assignments of officers, to integrating the scout cars, to improving community relations, to improve training. We felt and feel strongly that it is not sufficient to attempt to recruit persons into the system, but one must prove to the individuals that they will be treated fairly and will have ample opportunity for development and advancement after they get in.

Due to my involvement in minority recruitment, and due to the results achieved by the Department's effort in that direction, I was selected as a consultant and as a member of the Board of Directors of the Center for Criminal Justice Agency Organization and Minority Employment Opportunities of the Marquette University Law School. The immediate objectives of the Center are as follows:

1. To greatly increase recruitment of minority citizens into the ranks of police agencies throughout the nation; and

2. To improve career development opportunities for minority personnel entering, and within, the ranks of police agencies throughout the nation.

On behalf of the Center I have gone to Cincinnati, Ohio, and to Kansas City, Missouri, to provide advice and assistance to the chiefs of police in these jurisdictions in recruiting more black persons into their police departments. I have attended numerous conferences, sponsored by the Center, where I made presentations concerning black recruiting. Some of these were at Phoenix, Denver, Chicago, and here in Washington. Last December, on behalf of the Public Personnel Association and the International Chiefs of Police, I conducted a three day seminar on recruiting in Biloxi, Mississippi. A considerable portion of this presentation was devoted to minority recruiting.

Recently, I was one of two outside consultants selected by the International Association of Police Chiefs and the National Civil Service League to assist in conducting the Police Personnel Selection and Promotions Workshop in St. Petersburg, Florida, for participants from many jurisdictions throughout the country. The thrust of the seminar was on the EEOC Guidelines and court decisions relating to police selection and promotions.

This month I was invited, among others, to Boston to give recommendations to the Massachusetts Civil Service System, the Governor's office, and the police department concerning litigation involving use of the entrance examination in use there. I have been invited by the Police Foundation to act as a consultant at a special conference on minority recruiting.

In addition I was the recipient of the Charles H. Cushman Award for 1971, presented by the Eastern Region Public Personnel Association, on account of the success of the Department's success in minority group recruiting:

> "In recognition of his conspicuous success in mimority group recruiting resulting in his receiving national recognition in police circles as the authority on minority recruiting."

It is our belief, based admittedly on our experience here, that the way to succeed in recruiting minorities is to have a commitment from the top down. This message is not always received well in other cities where there is a belief that there must be gimmicks which can be helpful. We have attempted to be innovative, to involve the community in our recruiting to the extent interest has been expressed, and to continually improve. We do not believe that the percentage or the numbers of blacks we have recruited is the best we can do and we are trying to improve. However, given the circumstances of the necessity of a massive drive in a short period of time, we do believe we accomplished something unprecedented in terms of police departments around the country.

4. The foregoing exposition of my activities in the field of minority recruiting is in many respects merely an extension of the Department's commitment to minority recruiting. Were it not for that commitment, I would not have had the opportunity to be so thoroughly involved in minority recruiting. The Court can be assured that in policy and practice the Metropolitan Police Department adheres to equal opportunity for all applicants for employment and promotion.

5. The Department's recruiting efforts have resulted in recruitment for approximately 44% blacks from August 1, 1969 (when Jerry V. Wilson became Chief of

Police and I joined the Department) to April 1, 1972. Even though there is no legal requirement that public employees be hired on a racial quota system based on population ratios, it is significant to note that, according to the 1970 Census the total population of the District of Columbia was 756,500 with 209,300 white citizens and 547,200 black citizens.

The total population of the District in the 20-29 age group was reflected to be 142,161 with the racial contrast being as follows:

Black	Males	42,447
	Females	53,352
		95,799
White	Males	22,711
	Females	23,651
		46,362

The 20-29 age group is that age group from which new officers are recruited. When viewed from the standpoint that for our recruiting purposes the "local" or metropolitan Washington area is a radius of 50 miles, a rate of hiring blacks of 44% is demonstrative of the success of the Department's effort to recruit blacks since that percentage is significantly higher than their proportional representation in the "local" recruiting area.

Upon becoming Administrative Services Officer, Deputy Chief O'Bryant and I selected a civilian traning expert. Over the period of the past year and a half, we have vastly revamped our training program. We have gone out into the field and determined what necessary and desirable performance objectives the officers were expected to carry out and we are building our training program around these. It is called the systems approach to training. We are one of the first police departments in the country to attempt it and we are the most successful. Within the next six months, the new program will be fully

operative. Among other features of this training, it will concentrate on developing proficiency as against the traditional subject matter teaching approach. Every officer will be required to become proficient in a variety of areas prior to going into the field (this, as against passing courses in subject matter areas). Our new program is eliciting nationwide interest, particularly on the part of those departments involved in litigation over selection standards.

However, because this program will be implemented between July and December 1972, there has been no opportunity to correlate it with Test 21. Until such time as the Civil Service Commission attempts to correlate their Test 21 as against our new training program I have no opinion as to the validity of the test. However, I am certain that the new training program correlates extremely closely with performance in the field.

/s/ James M. Murray
JAMES M. MURRAY

Subscribed and sworn before me this 17th day of July, 1972.

/s/
Notary Public, D.C.

My Commission expires: 4/14/73.

APPENDIX "A"

[N.Y.T., Jan. 25, 1971]

RECRUITING OF NEGRO POLICE IS A FAILURE IN MOST CITIES

By PAUL DELANEY

Special to The New York Times

WASHINGTON, Jan. 24—The cry of the 1960's for more black policemen has lowered to a whisper today, with only the District of Columbia among the nation's major cities able to lay claim to any real success in significantly increasing the number of blacks on its force.

From New York to New Orleans to Seattle, most departments have at best been able to add only a few blacks and to increase only barely the percentage of blacks among the total.

"Our recruitment of blacks has never been highly successful," Clarence Giarusso, superintendent of the New Orleans Police Department, said in a typical summation.

Responding to the racial crisis of the last decade, many cities announced at least a desire to have more black policemen, while some conducted recruitment drives. Black leaders and policemen do not believe many of the recruitment efforts were serious, and, at any rate, few of the efforts were successful.

Washington was the most successful, and Chicago and Atlanta got fairly good results.

Other cities employed gimmicks that failed or merely stepped up their traditional recruitment programs that had not worked in the past. Among those cities were

Milwaukee, Charlotte, N. C., Seattle, New Orleans, Charleston, W. Va., Dallas and Portland.

New York Up Slightly

New York City's major recruitment project is the state-financed cadet training program, which tutors minority group members in an effort to help them pass police exams.

Sgt. William Perry, coordinator for this four-year-old program, said it had trained and placed on the force more than 400 members of minority groups. He termed the results "an upsurge," although the percentage of blacks on the force has risen only from 5 per cent to 7.5 per cent of the last decade.

A survey of recruitment efforts found the following:

• Recruitment drives that achieved any measure of success occurred in cities with large and vocal black populations. Success was a result of very aggressive campaigns, and the drives usually followed serious racial disturbances.

• Drives in most cities failed completely. The percentage of blacks on some forces is the same as it was a decade ago and in some cases has actually declined.

• Police officials said they were desperately searching for Negroes for their departments, but in actuality little was being done in many places.

• Discrimination on forces is still a problem that hurts recruitment. Many forces have token representation of blacks in the upper ranks, while some have none at all.

• In the black community, the image of the police is still very negative. Black youngsters just do not want to be policemen. This attitude, combined with discrimination on the force, seems to be the major reason police recruiters meet with stiff resistance.

Demands of the 60's

The need for black policemen became apparent during the sixties with the steady increase in crime in black communities and rioting in the cities. Along with more policemen, some blacks, mostly militants, were demanding community control of the police. The latter issue faded even before the efforts to recruit.

In Berkeley, Calif., however, a fight is under way over a plan to reorganize the police force into three community-ruled zones—one "black," one "white" and one "campus," for the University of California area.

The most aggressive campaign to recruit blacks was conducted in Washington. However, the situation here is not typical: it has the biggest percentage of black residents of any city, 75.

Four years ago, blacks made up only 17 per cent of the capital's force of 3,100 men. In September, 1968, the percentage was up to 24.4 per cent, or 786 blacks of 3,207 men. By last August, 1,000 blacks more had been added, for a total of 1,797 of 4,994, or 35.9 per cent.

Washington did it by setting up recruit-mobiles in black sections, where written exams were given; recruiting on military bases; changing physical standards, such as lowering the height requirements and modifying the eye requirement, and changing the requirements on certain illnesses such as asthma and hay fever; conducting a "recruit-in-moviethon," where applicants and their dates attend free showings of Jim Brown and John Wayne movies, and a "radiothon" in which applicants were solicited over the radio and taxicabs were sent to pick them up and bring them to the station to take their tests.

Chicago has 2,100 black policemen on a force of 12,678, or 16.5 per cent. The city is one-third black. There were 1,842 Negroes on the force in 1967 and 2,037 last spring.

Atlanta's force of 942 has 260 blacks, or 28 per cent. The percentage is up five points from the annual total during the last decade, according to Superintendent Robert Lane, who is in charge of training.

Quota Charges Made

In New York, 2,400 of the 31,700 policemen are black, or 7.5 per cent. For years the percentage of blacks had remained at about 5 per cent, causing some blacks to charge the department with maintaining a quota system.

The Detroit force has 567 blacks out of nearly 5,100, about 12 per cent. Nearly 500 have been put on since 1966, with the bulk coming after the 1967 riots. The percentage of Negroes on the force in 1960 was 2.

Statistics in some other cities show Los Angeles with 350 blacks on a force of 6,705, or 5.2 per cent; Milwaukee, 50, of 2,096, or 2.3 per cent; Charleston, W. Va., 10 of 150, or 6.6 per cent; Charlotte, 22 of 459, or 4.5 per cent; San Francisco, 85 of 1,755, or 4.8 per cent; Dallas, 32 of 1,640, or 1.9 per cent; New Orleans, 83 of 1,359, or 6.1 per cent; Boston, 60 of 2,807, 2.1 per cent; Miami, 74 of 719, or 10 per cent; Hartford, 60 of 500, or 12 per cent; and Providence, 18 of ——, or 4.5 per cent.

In Philadelphia the number of blacks on the force has been declining the last few years. Philadelphia had 1,431 blacks on a force of 6,893, or 20.8 per cent, in 1967. This was down last year to 1,347 blacks out of 7,242, or 18.6 per cent.

"To get blacks, the only thing a police department has to do is to tell blacks they want black officers and mean it," commented Deputy Chief Tilman O'Bryant, one of the two top ranking blacks on the Washington force.

"You don't just go on the record in saying you want black officers," he said. "You've got to use just a little

more effort to convince them you mean it. We've convinced the community here we mean it."

Many departments conduct recruitment drives by appointing a black to patrol the ghetto, sometimes with a small staff. Some use community organizations, such as the Urban League

Other cities advertise in black papers and on radio stations aimed at the black community. Some departments have saturated the ghetto with posters, signs and billboards. The poster-billboard approach worked in Washington but apparently is failing in Philadelphia, where posters praise "the black in blue" and admonish residents to "cop in, don't cop out" and urge blacks to "join [Police Commissioner Frank] Rizzo's team." Philadelphia even hired a black advertising concern in an effort to stem the decline in blacks on the force.

Such efforts help most forces barely to maintain their current percentage of blacks.

Tests Prove Barrier

A big problem is getting blacks who can pass the written tests, Larry Niles, recruitment officer with the Los Angeles police, said, "Negroes have more difficulty getting through the written tests. The tests give us people with over 100 I.Q. Whether it is a culturely fair test is another question." Detroit is attempting to eliminate the white middle-class "cultural bias" of its present tests.

Black policemen are convinced the tests are used to discriminate against them. White officials defend the exams as necessary to assure qualified officers. A black policeman in Indianapolis said the test issue was a "sham," that "if an applicant is wanted on the force, the tests wouldn't keep him off."

The testing problem has caused some cities to take steps, as New York has done, to help blacks to pass.

Seattle has a training program to improve skills, while Boston intends to initiate one.

However, the major recruitment problem among blacks appears to be the negative image of the police in the black community, compounded by discrimination on the forces.

Regarding image, Deputy Chief Spurgeon Davenport of Indianapolis, highest ranking black on the force, said he had talked a black school teacher into joining the force, but a few days ago the teacher called.

"He told me to forget it, that he would not join the force because the image was too bad and his friends had already started kidding him about it," Chief Davenport said.

Many white officials are cognizant of the image problem. The Public Safety Director in Louisville, Ky., George C. Burton, commented, "It is a problem and we're working on it."

Mr. Burton's black assistant director, A. Wilson Edwards, said the department had created the image problem. He cited the fact that the city had only 42 blacks on its force of 624. He feels, though, the image is changing.

Discrimination in promotion is also a problem. Mr. Edwards said that many departments had at least one black in the upper ranks. But some, including Milwaukee, Charlotte and Dayton, Ohio, do not. In several cities, San Francisco and Portland included. The ranking blacks are sergeants.

Mr. Edwards, a veteran of 30 years on the force, retired as lieutenant in 1966 after helping set up police units in several African and Asian countries. He recalled years of bitter frustration in trying to get a promotion himself.

"Every time they gave the captain's exam and I finished first or second, they held the promotion list for a year," he said. "They gave the exams again and the same thing happened. I took the test five times. When I finally finished out of the top three, from which the appointment was made, the job was filled. I stopped taking it."

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

DEFENDANTS HAMPTON, SPAIN AND ANDOLSEK'S MOTION FOR SUMMARY JUDGMENT

Defendants Hampton, Spain and Andolsek, by their attorney, the United States Attorney for the District of Columbia, respectfully move the Court for summary judgment in their favor on the ground that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law.

Defendants Hampton, Spain and Andolsek incorporate into their motion for summary judgment, by attachment hereto, the affidavits of Dr. Donald J. Schwartz, Personnel Research Psychologist, Personnel Research and Development Center, United States Civil Service Commission; Dr. Mary L. Tenopyr, Personnel Research Psychologist, Acting Chief of Personnel Research Programs, United States Civil Service Commission; Miss Diane E. Wilson, Personnel Research Psychologist, Personnel Measurement Research and Development Center, United States Civil Service Commission. Furthermore, defendants incorporate herein and submit for the Court's convenience by attaching hereto the affidavits of Drs. David M. Nolan, Albert P. Maslow and William A. Owens which affidavits have previously been submitted to the Court. Defendants also attach hereto and incorporate herein Exhibit 1, the Relation of D.C. Police Entrance Test Scores to Recruit School Performance and Job Performance of White and Negro Policemen by David L. Futransky and Exhibit II, the Recruit Training Curriculum of the Metropolitan Police Department.

In support hereof, defendants Hampton, Spain and Andolsek submit a statement of material facts as to which there is no genuine issue and a memorandum of points and authorities.

[Certificate of Service omitted in printing]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE

1. The plaintiffs-intervenors are black applicants who failed to achieve a passing score on the Metropolitan Police Entrance Examination (hereinafter "Test 21").

2. The defendants are the Commissioners of the United States Civil Service Commission, Walter E. Washington, Commissioner of Washington, D.C., and Jerry Wilson, Chief of Police of Metropolitan Police Department of the District of Columbia.

3. Test 21 is the entrance examination given by the United States Civil Service Commission (hereinafter "the Commission") to all applicants for the Metropolitan Police Department of the District of Columbia.

4. Test 21 is a straightforward test of verbal ability and consists of vocabulary, reading comprehension, interpretation of reading passages and general information items.

5. Test 21 is designed to predict performance in the position of police recruit.

6. The job of a police recruit, which lasts for seventeen weeks, is to succeed in learning the duties of a policeman.

7. Test 21 is a highly accurate predicter of success in the positions of police recruit for both blacks and whites.

8. All policemen must succeed in performance of duties as a police recruit before becoming a permanent member of the police force.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS HAMPTON, SPAIN AND ANDOLSEK'S MOTION FOR SUMMARY JUDGMENT

Statement of Facts

On September 8, 1970, plaintiff John Sellers moved to intervene in the instant lawsuit alleging that the Metropolitan Police Entrance Examination (hereinafter "Test 21") discriminated against plaintiff on the basis of his race and that the use of this test violated his rights under the due process clause of the Fifth Amendment to the Constitution. Plaintiff Sellers sued on his own behalf and on behalf of all members of the class which was defined by plaintiff Sellers as consisting of all black applicants who took Test 21 and were denied appointment to the Metropolitan Police Force because of their low scores on the test. Plaintiff George Harley moved to intervene for the same reasons as plaintiff Sellers on September 23, 1970. Plaintiffs have been permitted to intervene and a determination as to class has been deferred until the Court decides whether there is any merit to plaintiffs contentions.

Test 21 is a straightforward test of verbal ability and consists of vocabulary, reading comprehension, interpretation of reading passages and general information items. It is used to predict the success of applicants in the Metropolitan Police Training Academy. In order to become a full-fledged police private, an applicant must first successfully complete the program at the Training Academy. While a person is in training at the Academy, he is called a police recruit.

In 1967, a criterion related validity study was done by the Civil Service Commission in order to ascertain whether Test 21 was in fact an accurate predicter of the success of police recruits at the Training Academy. See Exhibit I. Part of the study was reported in *Relation of D.C. Police Entrance Test Scores to Recruit School Performance of White and Negro Policemen* by David L. Futransky, November, 1967 (hereinafter "Futransky Study"). The Futransky Study firmly established that there was a positive relationship for both blacks and whites between their Test 21 score and their success at the Training Academy. The Study further examined, although this was not its primary purpose, the relationship between Test 21 and the policeofficer's job rating. It was found that for the one job rating examined, there was a positive correlation for whites between Test 21 results and the job rating while for blacks there was a negative correlation between Test 21 results and the job rating.

Defendants have had five psychologists examine Test 21 and the Futransky study. In addition, one psychologist examined the curriculum at the training academy while gathering material for a further validity study of Test 21. All six psychologists have filed affidavits in this action and they uniformly concur that Test 21 accurately predicts success at the Training Academy. Furthermore, they maintain that relating an entrance test to a training program is a more reliable method of measuring the validity of the test than by relating the entrance test to one job performance rating. This method of validation is supported by the case law as a perfectly proper way of showing the job-relatedness of an entrance test. *Buckner* v. *Goodyear Tire and Rubber Co.*, 339 F.Supp. 1108 (N.D.

Ala. 1972); *Spurlock* v. *United Airlines, Inc.*, 330 F.Supp. 228 (D. Col. 1971); *c.f. Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971).

Plaintiffs contend that Test 21 discriminates against blacks because the test fails to establish that blacks who do poorly on the test and poorly in the recruit school do poorly on the job.

> To deny blacks entry into the police force because they have failed a test, which is correlated with recruit school grades which have no consequence, is to make meaningless academic performance more important than actual job performance. Plaintiff's Motion for Summary Judgment at 5.

Plaintiffs ask the Court to enjoin the use of the test, since it is not job-related, and to set up guidelines for any proposed substitute test. Furthermore, plaintiffs asks that all members of their as yet undefined class be notified of the Court's opinion and that they be given priority consideration when new openings on the police force are to be filled.

Argument

Plaintiffs have not stated a claim on which relief can be granted because they have failed to show that the Police Entrance Examination is not in accordance with the applicable legal standards.

It is well settled that employment with the federal government, in the absence of constitutional, statutory or regulatory rights, can be regulated at the will of the appointing officer. *Cafeteria Workers* v. *McElroy* 367 U.S. 886, 896-899 (1961); *Holden* v. *Finch*, 144 U.S.App. D.C. 310, 446 F.2d 1311, 1315 (1971). See *White* v. *Berry*, 171 U.S. 366, 378 (1898).

Defendants Hampton, Spain and Andolsek contend that plaintiffs are not entitled to relief because they have not

shown that defendants violated their constitutional, statutory or regulatory rights. *Eberlein* v. *United States*, 257 U.S. 82, 83 (1921); see *Hargett* v. *Summerfield*, 100 U.S.App.D.C. 85, 243 F.2d 29, 32, *cert. denied*, 353 U.S. 970 (1957); *Mendelson* v. *Macy*, 123 U.S.App.D.C. 43, 356 F.2d 796, 799-80 (1966).

(A) The Police Department Entrance Examination (hereinafter "Test 21") meets the standards set by the applicable regulations and statutes

The only regulations applicable to the instant cause of action are the Civil Service Commission regulations at 5 C.F.R. § 300.[1] Plaintiffs do not assert that Test 21 does not meet the requirements of the Commission regulations, and for this reason, defendants contend that plaintiffs cannot recover on the basis that defendants failed to comply with the governing regulations. 5 U.S.C. § 3304 is the statute that prescribes the relationship between civil service examinations and civil service jobs. In this statute, Congress laid down the following job-relationship standards:

> (a) The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, for—
>
> (1) open, competitive examinations for testing applicants for appointment in the competitive service which are practiced in character and as far as possible relate to matters that fairly test the relative capacity and fitness of the applicants for the appointment sought.[2]

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[1] The appointment of officers to the Metropolitan Police Department is subject to Commission regulations by virtue of 4 D.C. § 103.

[2] This section was originally enacted as part of the Civil Service Act of 1883, 22 Stat. 403.

Plaintiffs have not alleged that the Commission has improperly implemented the statute and therefore, the interpretation of the statute is not in issue.

(B) The use of the Police Entrance Examination (Test 21) does not violate any of Plaintiffs Constitutional Rights

Plaintiffs contend that defendants have violated their constitutional right to due process because they use as an entrance test an examination which has not been shown to be job related. Plaintiffs base their contention that Test 21 must be job-related on the decision of the Supreme Court in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (.971). In *Griggs, supra,* the Supreme Court set a job-relationship standard for the private sector employers which has been a standard for federal employment since the passage of the Civil Service Act in 1883. In that act Congress has mandated that the federal government must use ". . . examinations for testing applicants for appointment . . . which . . . as far as possible relate to matters that fairly test the relative capacity and fitness of the applicants for the appointments sought." 5 U.S.C. § 3304 (a) (1).[3] Defendants contend that they have been following the job-related standards of *Griggs, supra* for the past eighty-eight years by virtue of the enactment of the Civil Service Act which guaranteed open and fair competition for jobs.

Defendants submit that the Court in *Griggs* did not rule on how an employer must show that a test is related to the jobs for which it is used. The *Griggs* Court was only called upon to choose between (1) defendant's position that its test met legal requirements because it was developed by psychologists and raised the level of its work force and (2) plaintiffs' position that only a test shown to be job-related met legal requirements. *Griggs* v.

[3] The Metropolitan Police Entrance Examinations are subject to this provision by virtue of 4 D.C. Code § 103.

Duke Power Co., supra, 401 U.S. at 431. In the case at bar, both defendants and plaintiffs agree that the tests must be job-related but they disagree on *how* the job-relationship must be shown.

Defendants contend that they have shown that Test 21 is job-related by demonstrating that Test 21 predicts success in the recruit training program. *Buckner* v. *Goodyear Tire and Rubber Company,* 339 F.Supp. 1108 (N.D. Ala. 1972); *Spurlock* v. *United Airlines,* 330 F.Supp. 228 (D. Col. 1971); see *Castro* v. *Beecher,* 334 F.Supp. 930, 942 (D. Mass. 1971), *aff'd* in part, —— F.2d —— (1st Cir. 1972). A criterion related validity study was performed by the Civil Service Commission in 1967 and was reported in *Relation of D.C. Police Entrance Test Scores to Recruit School Performance of White and Negro Policemen* by David L. Futransky (hereinafter "Futransky Report"). The study showed that Test 21 was an accurate predicter of success at the Training Academy of both white and blacks. See Affidavit of Albert R. Maslow at paragraphs 7, 8, 11; Affidavit of William A. Owens at paragraphs 4, 9; Affidavit of David M. Nolan at paragraphs 4, 6, 7. In other words, individuals who did well on the test performed on an above average level at the Academy. See Maslow Affidavit at Paragraph 8.[4] Furthermore, from December of 1967 to December of 1970 the percentage of blacks on the police force has increased from 25.4 per cent to 36.5 per cent. This is an increase of 228 per cent for black officers compared with an increase of 47 per cent for white officers. See Maslow Affidavit at paragraph 10. Clearly, if the test were discriminating on the basis of race there would not be the great increase in black officers.[5]

[4] Every police recruit must successfully complete the Police Training Academy before he or she can become a full-fledged police officer. See Exhibit II.

[5] The number of blacks recruited from August 1, 1969 to April 1, 1972 was 1413 while the number of whites was 1780. The per-

The test is used to screen unqualified persons and not to screen persons because they are black. The Supreme Court in *Griggs*, *supra*, 401 U.S. at 430, 434 specifically upheld that kind of employee selection process.

> Congress did not intend by Title VII, however, to guarantee a job to every person regardless of qualifications. In short, the Act does not command that any person be hired simply because he was formerly the subject of discrimination, or because he is a member of a minority group. Discriminatory preference for any group, minority or majority, is precisely and only what Congress has prescribed. What is required by Congress is the removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification.
>
> * * * *
>
> Indeed, the very purpose of Title VII is to promote hiring on the basis of job qualifications, rather than on the basis of race or color.

Test 21 is a straightforward test of verbal ability and is concerned with reading comprehension and interpretation of reading passages. The curriculum at the Training Academy includes "149 hours of instruction on all subjects pertaining to law and law related subjects pertinent to the function of [the police] department." Appendix at 6. Furthemore, a police recruit has a total of 321 hours of instruction on such subjects as the police manual, report writing and court procedures. Appendix at 6. In order to successfully complete the Training Academy requirement, a person must possess at least a minimum of word comprehension and reading skills. Test

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centage of recruits who were black was 44.2%. See Defendants Washington and Wilson's Motion for Summary Judgment.

21 measures reading skills at a minimum level. See Affidavit of Diane Wilson.[6]

Three recent cases have affirmed the principle that the jobrelatedness of an entrance test can be validated by showing the positive relationship between the test and the training program. In *Buckner* v. *Goodyear Tire and Rubber Company*, *supra*, the plaintiffs attacked a job entrance examination as not being job-related while the defendant-employer claimed that it met the legal job-relationship requirements because the defendant-employer had demonstrated that the test was related to success in the defendant-employer's apprenticeship training program. The Court held that the showing of a relationship between the test and the training program was a legally acceptable method for determining that a test is job-related. In *Spurlock* v. *United Airlines, Inc.*, *supra*, the court held that an employer had established the job-relatedness of a college degree requirement for pilots by a study showing that the degree is related to success in the pilot training program.

> Statistical studies made by United establish that there is indeed a direct and substantial correlation between successful completion of the training pro-

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[6] The necessity for a higher level of education for our police forces was stressed by the United States Court of Appeals for the First Circuit in *Castro* v. *Beecher*, *supra*, 4 E.P.D. at 6002. The court cited as validating a high school degree requirement the President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" and its underlying Task Force Report: The Police. The Court also cited the 1968 "Report of the National Advisory Commission on Civil Disorders." Significantly the Court held:

> The point is, . . . , that a high school education is viewed as a bare minimum for successful performance of a policeman's duties. These reports and the subsequent action of the Massachusetts legislature constituted a deliberate value judgment that professionalization of the police is a major goal in our increasingly complex society.

> gram and a college degree, especially when that degree is in science related areas. *Spurlock* v. *United Airlines, supra*, 330 F.Supp. at 235.

Finally, in *Castro* v. *Beecher*, 334 F.Supp. 930 (D. Mass. 1971), *aff'd in part*, 4 E.P.D. par. 7783 (1st Cir. 1972), the Court found that an entrance test for the Boston Police Department was not job-related because the employer did not demonstrate its job-relationship by either a rational or empirical (criterion-related) validity study. During the course of its opinion, the trial court indicated that one of the ways the employer could show that the test was related to the job was by relating it to the police training courses.

> Nor has there been any attempt to prove by empirical [criterion-related] validation that although on their face these questions seem not to be rationally related to a policeman's job and thus predictive of the ability of persons successfully to be policemen or at least *successfully to be trained as policemen*, the facts are that these tests do test such ability. (Emphasis added.) *Castro* v. *Beecher, supra*, 334 F.Supp. at 942.

We submit that the record establishes that defendants have met the legal standards announced in *Buckner, supra*, *Spurlock, supra*, and *Castro, supra*. In his affidavit, Dr. Maslow explains in great detail how Test 21 predicts success in recruit school. For example, in paragraph 8, he reports the statistical relationship between Test 21 scores and grades in recruit school, and in paragraph 11, how the content of the test is representative of the kind of academic ability an individual must have to succeed in recruit school. Dr. Mary L. Tenopyr states in her affidavit that "for both blacks and whites scores on Test 21 are related statistically to job performance in D.C. Police training" and that "[t]hroughout the history of industrial psychology, verbal ability tests like

Test 21 have consistently been found to be useful predictors of success in training based upon the use of words". See Tenopyr Affidavit at paragraph 8. Miss Diane Wilson, a Personnel Research Psychologist at the Commission, who in 1969 as part of a study of the validity of Test 21, reviewed the written materials used by recruits at training academy, concluded that "(1) successful completion of recruit school training requires a relatively high level of verbal ability (that is, ability to read and understand written language in terms of interpretation of reading passages, vocabulary, etc.); and that (2) the level of verbal ability measured by Test 21 is, at most, no higher than that required for successful completion of recruit school as determined by the final grade avarage attained by the recruit." See Wilson Affidavit. Dr. Donald J. Schwartz, in his affidavit, concurs and states that "Test 21 has been professionally validated, i.e., shown to be job-related, because by a criterion-related validity study the Government has shown that Test 21 has a significant positive correlation with the MPD [Metropolitan Police Department] recruit school." Schwartz Affidavit at paragraph 5. Drs. William Owens and David Nolan agree with the aforesaid opinions. See Owens and Nolan Affidavits.

Plaintiffs assert that defendants' showing of the relationship between the test and recruit training is of no value because (1) poor performers in the training program managed to complete the program; and (2) poor performers in the training program did not become poorer performers on the job. We disagree. We submit that it is clear that an employer meets his burden of showing the job relationship of a test when the employer relates a test to a training program. *Buckner* v. *Goodyear Tire and Rubber Co., supra*, *Spurlock* v. *United Airlines, Inc., supra*.

With regard to plaintiffs' first argument, rather than being a symptom of a problem with the test, we submit that the fact that poor performers in the training course are able to complete the program further establishes the value of the test. The Metropolitan Police Department gives Test 21 in order to eliminate those persons who cannot learn the duties of a policeman, and we contend that the fact that most applicants complete the training program shows that the test does what it is supposed to do and is consequently valid. See *Douglas* v. *Hampton*, 338 F.Supp. 18, 21 (D.D.C. 1972). Moreover, in *Buckner* v. *Goodyear Tire and Rubber Co., supra*, 339 F. Supp. at 1115, n.7, the court, in a footnote, indicated:

> 7. It is at least of some significance that since the tests were utilized no one selected for the program has failed in either the academic or practical phases of training, though a few have dropped out before completion.

As to plaintiffs' second point, the Commission, in addition to its research concerning the relationship of Test 21 to recruit school, compared the relationship of those scoring 51 and below on Test 21 to one job performance rating and certain negative and positive job performance incidents[7] and the relationship of those scoring 52 and above on Test 21 to one job performance rating and the same negative and positive performance incidents See Exhibit 1 at 6-8. Whites scoring well on Test 21 had an above average performance rating and more positive incidents than negative incidents while whites doing poorly on Test 21 had a correspondingly low job performance rating and more negative incidents than positive

[7] Negative job performance incidents are either a below average performance rating, resigning with prejudice, a trial board proceeding, or other formal disciplinary action. Positive job performance incidents are having received a commendation or having been appointed to a position of responsibility. See Exhibit 1 at 6-7.

ones. Blacks did not conform to this pattern. Blacks scoring below 51 on the test had a similar job performance rating and a similar number of negative and positive incidents as blacks scoring above 52 on the test. See Exhibit 1 at 6-8.

Drs. Tenopyr and Schwartz (experts in psychological measurement, have analyzed what conclusions can be drawn from the Futransky study concerning the relationship of Test 21 to performance after recruit school. Both have found that the study is inconclusive on the question of whether Test 21 is related to post-training job performance. See Tenopyr Affidavit at paragraph 9-12. Dr. Schwartz stated that:

> There is insufficient data to determine the relationship between job performance after completion of Recruit School and scores on Test 21. To determine such a relationship, it will be necessary (a) to select better criterion measures; (b) conduct the study under more controlled conditions; and (c) use correlational techniques similar to those used to determine the relationship in Finding (1) [Test 21 is favorably related to the Training Program]. Schwartz Affidavit at paragraph 11.

Dr. William Owens explains the meaning of the test versus job performance results for blacks:

> As a measure of ultimate job performance or proficiency, Test 21 appears to predict positively for whites, but near zero for blacks. The meaning of such results should, however, be evaluated with caution since the criterion is the average rating of one judge on 9 traits, is of unknown reliability and is probably based upon little direct observation of typical job behaviour. In short, the criterion of Recruit School Average is very substantially superior, as a

criterion, to the criterion of job performance. See Owens Affidavit at paragraph 7.

Plaintiffs suggest that Test 21 should be determined to be of little value because of its negative correlation between blacks success of the test and one job performance rating. We submit that five psychologists found that Test 21 was a valuable selection device because "a success in training criterion" is a good measure of a test's value while a job rating and similar criterion are poor measures. Dr. Maslow points out the importance of using a training criterion and the problems with using rating and explains why changing conditions sometimes prevent a test from predicting after school success. Maslow Affidavit at paragraphs 11 and 13. Dr. Nolan states that there is no discrimination as long as Test 21 predicts success in recruit school for blacks and whites and he notes that it is a common practice in both business and educational circles to use tests that predict training success. Nolan Affidavit at paragraph 7. Lastly, Dr. Schwartz states that ratings are not as reliable criteria as school performance.

> Rating may not be adequate indices of job performance. As Professor Lee J. Cronbach, a well-known reputable authority on psychological testing, says (Cronbach, L. J., *Essentials of Psychological Testing* (3rd ed.), New York: Harper & Row, 1970, p. 127): 'A common type of criterion is the rating or grade . . . Industrial predictors are validated against ratings by supervisors. These ratings are not entirely satisfactory as criteria. The judge may not know the facts about the person. Often a rating reflects the personal relation between the man and supervisor rather thanf the quality of the man's work. When a test fails to predict a rating, it is hard to say whether this is the fault of the test or *of the rating*.' See Schwartz Affidavit at paragraph 9.

In summary, defendants submit that they have shown that Test 21 is properly related to the needs of recruits at the Police Training Academy. This showing meets the standard set by the Supreme Court in *Griggs, supra.* The test-training relationship has been held to be sufficient to meet the *Griggs* job-relatedness standard by two district courts, *Buckner* v. *Goodyear Tire and Rubber Co., supra; Spurlock* v. *United Airlines, Inc., supra* and has been positively referred to in dicta by a third, *Castro* v. *Beecher, supra.* Undeniably, a police recruit must have the minimum reading skills in order to complete the curriculum at the Training Academy and of course, in order to become a police private a recruit must graduate from the Training Academy. Test 21 merely makes certain that a potential recruit has the minimum skills in reading and verbal ability. The need for more intelligent and qualified policemen and policewomen has been one of the main priorities of most major cities in the last decade. In the same vain, it has been recognized that minority groups must have better representation on police forces. We submit that the Metropolitan Police Department has been a leader in the recruitment of minorities and this is reflected in the statistic showing that 36.5 per cent as of 1970 of the police force in Washington is black. Test 21 is an important part of the MPD's drive for a better qualified and yet representative police force.

Defendants contend that plaintiffs have been unable to show that defendants have acted arbitrary or capriciously in using Test 21 since Test 21 is an accurate predicter of the success of recruits in the Training Academy. *Cafeteria Workers* v. *McElroy, supra.* Therefore, defendants submit that the Executive has the widest possible discretion in the matter of appointments and that in the case at bar defendants have acted within that discretion. *Keim* v. *United States,* 177 U.S. 290 (1890).

WHEREFORE defendants Hampton, Spain and Andolsek respectfully move the Court to grant their motion for summary judgment.

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PERSONNEL MEASUREMENT RESEARCH AND DEVELOPMENT CENTER

STANDARDS DIVISION
Bureau of Policies and Standards
United States Civil Service Commission

RELATION OF D. C. POLICE ENTRANCE TEST SCORES TO RECRUIT SCHOOL PERFORMANCE AND JOB PERFORMANCES OF WHITE AND NEGRO POLICEMEN

Prepared by David L. Futransky,
in Cooperation with Staff of D. C.
Police Department Recruit School

November 1967

Highlights of Findings

1. Scores on Test 21 (40 and above) show a reasonably high relationship to performance in Recruit School for both the white and Negro appointees. (Table 1)
2. For white officers, performance in Recruit School has a positive but low relationship to job performance. This relationship does not hold for the Negro officers. (Table 4)
3. For the white officers, scores on Test 21 (40 and above) have a positive but low relationship to job performances as measured by supervisory ratings, negative behavior incidents or evidences of positive performance. For the Negro officers, Test 21 (40 and above) does not predict differences in on-the-job performance. (Tables 5, 6 and 7)
4. Practically no white officers receive less than an "effective and competent" job performance rating. This percentage is higher for the Negro group. (Tables 2 and 3)

5. The Negro group has a lower separation rate than the white group. (Table 2)

6. For all appointees, failure to complete Recruit School is, for all practical purposes, non-existent.

Possible Actions Suggested by the Study Results

1. *Test Content*

   So long as all new appointees must go through recruit school which is largely academic in nature, some type of verbal test seems necessary. The present test has relatively high validity for this purpose. There is no reason to believe that replacing the present content with other verbal test questions would improve the validity. However, since Test 21 is a widely used verbal test, it is being reviewed to insure that the item types continue to be appropriate for the various uses of this test.

2. *Test Scoring Standards*

   Since all selectees at the current standard on Test 21 of 40 correct complete Recruit School, the Department would run only a small risk by accepting applicants in a modest range of scores below 40. By setting a standard of 35 right, an additional 15% of applicants would be eligible. This standard would still represent the reading level of at least the eleventh grade. In terms of Recruit School, this additional group would be expected to do less well but still good enough to complete the training. At scores below 35, there would be a probably excessive proportion of recruits who would find it difficult to master the training.

   If the test standard is lowered to add more recruits, the Department should anticipate increased difficulty in carrying out their policy of getting every recruit through the Recruit School. It might well reexamine

this policy and also its use of the probationary period as an effective means for dropping officers who should not be carried into the permanent force.

I. *Purpose of Study*

At present, to be eligible for recruitment by the Metropolitan Police Department, applicants

a) must be at least 21 years old but less than 30, as of the day of appointment;

b) must be at least 5'8" tall and weigh 140 pounds;

c) must have eyesight no worse than 20/40 correctable to 20/20; and

d) must have a high school education, pass an equivalency test or have worked for a year or more in the police department of a large city.

They must also

a) pass *a written test*;

b) be evaluated by a psychiatrist; and

c) undergo a character investigation.

This report is concerned with evaluating the effectiveness of the written test as a part of the selection process. The test referred to (Test 21) is an 80-question verbal test used for selection to positions where no higher ability is required than is represented by High School graduation. Forty correct answers are required for passing.

II. *Sample and Data Available for Study*

For 361 policemen appointed to the D. C. force in the calendar year 1963 and carried through to June 1967, the Police Department from official records furnished the following items of information:

1. Race
2. Score on Test 21
3. Recruit School Exams Failed
4. Recruit School Final Average
5. Commendations
6. Trial Board or Formal Actions
7. Job Performance Rating (usual rating of subordinate by his supervisor)
8. Positions of Responsibility
9. Separations and Reasons

The two major criteria in the data for evaluating the test are 4) Recruit School Final Average, and 7) Job Performance Rating. In addition, clues to performance are provided by the information dealing with "resignations with prejudice," disciplinary actions, commendations and appointments to positions of responsibility.

III. *Relation of Scores on Entrance Test (T. 21) to Recruit School Final Average*

Sometime within his first year, the policeman is assigned to Recruit School for twelve weeks. Eight subject matter areas are covered in the training. Each of the subjects is tested and 75% right is required in each subject. The Recruit School Final Average is simply the average of these eight percentages on the tests. *There are for all practical purposes no failures in Recruit School. Officers who are doing poorly on a particular area are given help and allowed to repeat the test.*

Prediction of Training School success is a primary function of the entrance test. For analysis of test scores, a Recruit School Average of 85% was designated as "good" performance. Table 1 relates, by race, scores on Test 21

to the percentage of the group whose Recruit School Average was 85% or higher.

TABLE 1

Scores on Test 21 Related to Recruit School Average by Race

A	B	C	D	E	F	G	H	I	J	K
	White					Negro				
	Recruit School Ave.					Recruit School Ave.				
	Number		Per-cent			Number		Per-cent		
Test 21	In School	85% & Up	85% & Up	No R.S. Ave.	Total	In School	85% & Up	85% & Up	No R.S. Ave.	Total
61+	83	76	92%	10	93	9	7	78%	1	10
52-60	86	69	80	9	95	23	16	70	4	27
40-51	73	46	63	13	86	39	21	54	4	43
No T. 21 Score	1	—	—	5	6	1	1	—		1
Total	243	191	79%	37	280	72	45	63%	9	81

The data in Cols. "D" and "I" show a positive relationship between scores on T. 21 and performance in Recruit School for both the white and Negro groups. The higher the score on T. 21 the more likely the trainee will have a Recruit School Average of 85% or higher. (The correlation is .46 for whites and .39 for Negroes.[1] These values are increased to .65 and .53 respectively when corrected for restriction in range.)

This finding supports the conclusion that T. 21 is effective in selecting trainees who can learn the material that is taught at the Recruit School. There is apparently a difference in the degree of success in Recruit School between the white and Negro trainees—the white group doing

[1] The correlations for an additional sample of men who recently completed this training were .53 (N=89) for the white recruits and .32 (N=48) for the Negro recruits.

somewhat better than the Negro group. However there is no basis in these data to explain this difference.

IV. *Relation of Recruit School Average to Job Performance Rating*

The performance rating represents the last rating that appears in the policeman's official folder. It represents a summary rating over some nine individual rating items. The ratings range from "+4—outstanding" to "-4—unsatisfactory" with 0 representing "effective or competent" performance.

The distribution of the assigned ratings is shown in Table 2. Table 3 summaries the totals shown in Cols. "E" and "I" of Table 2.

TABLE 2

Distribution of Performance Ratings by Current Employed Status

A	B	C	D	E	F	G	H	I
	White				Negro			
		Resigned				Resigned		
Performance Rating	Still Empl.	Vol.	Prej.	Total	Still Empl.	Vol.	Prej.	Total
+4	1			1				
+3	12			12	3			3
+2	29	3		32	8	1		9
+1	51	19	2	72	14		1	15
0	67	48	6	121	28	7	1	36
−1	1	1	2	4	3		2	5
−2			1	1			3	3
−3							1	1
−4								
Total	161	71	11	243	56	8	8	72
No Rating	2	27	7	36	1		8	9
Grand Total	163	98	18	279*	57	8	16	81

* Does not include 1 man killed in action.

TABLE 3

Distribution of Ratings (Summary of Cols. E & I Table 2)

Ratings	White N	White %	Negro N	Negro %
Above Average (+1 to +4)	117	43	27	37.5
(Effective and Competent) (0)	121	50	36	50
Below Average (−1 to −4)	5	2	9	12.5
Subtotal	243	100%	72	100%
No Rating	37	—	9	—
Total	280		81	

The white group tends to be rated higher than the Negro group. Whether this represents real differences in performance or whether different rating standards have been applied to the two groups cannot be determined from these data.

The difference in the voluntary separation rates (leaving *without* prejudice) of the two groups is striking. After approximately four years, 35% of the white group left without prejudice as compared to 10% for the Negro group. The overall separation rate is 42% for the white group and 30% for the Negro.

Table 4 presents the relationship between Recruit School Average and the Performance Rating. Does high performance in Recruit School predict high performance on the job?

TABLE 4

Recruit School Average Compared to Job Performance Rating

Recruit School Average	White			Negro		
		Performance Rating			Performance Rating	
	N	Number Above Ave. (+1 to +4)	Percent "Above Ave."	N	Number Above Ave. (+1 to +4)	Percent "Above Ave."
85% or higher	191	98	51	45	16	36
84% or lower	52	19	37	27	11	41
Subtotal	243	117	48%	72	27	38%
No Sch. Rating	37	—		9		
Total	280			81		

For white officers, those who had a Recruit School Average of 85% or higher were more likely to be rated "above average" on the job (51%) than their colleagues whose school average was below 85% (37%).

For the Negro officers this is not the case. In fact the trend is slightly in the opposite direction, but the number of cases is too small to conclude that there is a significant relationship between school and job performance.

V. *Relation of Entrance Test Scores to Job Performance Rating*

While the primary emphasis of the entrance test must be to select persons who can absorb the training at Recruit School, does it appear to have value in identifying those who will also do well on the job? Table 5 compares scores on Test 21 and performance rating.

TABLE 5

Test 21 Scores Compared to Job Performance Rating

Test 21 Score	White		Negro	
	N	Percent Rated "Above Ave."	N	Percent Rated "Above Ave."
61+	83	57%	9	37%
52-60	86	52%	23	
40-51	78	33%	39	39%
No T. 21 Score	1	—	1	—
Subtotal	243	48%	72	38%
No Rating	37		9	
Total	280		81	

Test 21 apparently behaves like the Recruit School Average in predicting on-the-job rating. For the white officer, the higher his score on Test 21, the more likely he is to receive an "above average" performance rating. For the Negro officer, test score appears to be unrelated to performance rating.

The relations of combinations of test score and school average to performance were also examined. This showed again that for whites, there is a positive relation, but that for Negroes, the performance rating was not related to test and school scores combined, any more strongly than to these measures one at a time.

VI. *Relation of Entrance Test Scores to Other Performance*

How are the test scores related to *poor incidents of performance*, i.e., any one of the following: a "below average" performance rating, "resigning with prejudice," or trial board or other formal disciplinary action? Fourteen percent of the white officers and 45% of the Negro officers

had at least one of these three in his record. This record is related to Test 21 scores in Table 6.

TABLE 6

Test 21 Scores Related to Negative Performance Incidents

	White			Negro		
Test 21	N	Number With Neg. Incident	Percent With Neg. Incident	N	Number With Neg. Incident	Percent With Neg. Incident
52 & up	169	17	10%	30	17	57%
40-51	73	16	22%	41	15	37%
No T. 21	1			1		
Subtotal	243	33	14%	72	32	45%
No Rating	37	—	—	9	—	—
Total	280			81		

For the whites, high scorers on Test 21 have relatively fewer negative incidents in their record. For the Negroes the difference is in the opposite direction; the most obvious finding, however, is the great disperity in the proportions of whites and Negroes who have had negative incidents.

Evidences of positive job performance are having received a commendation or been appointed to a position of responsibility. Comparable proportions of the white group (27%) and of the Negro group (30%) received either one or both. Table 7 compares scores on Test 21 with this measure of "positive performance."

TABLE 7

Test 21 Scores Related to Positive Performance Incidents

	White		Negro	
Test 21	N	Percent with "Positive Incid."	N	Percent with "Positive Incid."
52 & up	169	31%	30	30%
40-51	73	18	41	29
Subtotal	242	27%	71	30%
No Score or Rating	38		10	
Total	280		81	

Here again the test scores appear to distinguish among the white group in terms of positive behavior on the job but do not distinguish among the Negroes.

RECRUIT
TRAINING CURRICULUM

[EMBLEM]

Presented by
the
TRAINING DIVISION
METROPOLITAN POLICE DEPARTMENT

ORDER OF CURRICULUM

Total Instructional Hours

Breakdown of Hours by Sections

Metropolitan Police Department Training Division (Introduction)

Police Operations Section

Laws and Documents Section

Physical Training Section

Fire-Arms Training Section

Vehicle Skills Section

TOTAL INSTRUCTIONAL HOURS

The Metropolitan Police Department Training Division, Recruit Training is attended by all recruit officers for seventeen weeks.

Thirteen weeks of instructions is based on a 35 hour work week since 1 hour each day is alloted for lunch.

The recruit receives one 40 hour work week each of Firearms Training and Vehicle Skills Training. Approximately mid-way through his total training experience the recruit spends two 40 hour work weeks in *On-the-Job-Training*.

Therefore, the recruit officer is exposed to a total of 608 hours of police service instruction.

Recruit Training is achieved by five sections designed to ensure total in-depth coverage needed to provide superior police personnel.

1) Police Operations Section

2) Laws and Documents Section

3) Physical Training Section

4) Firearms Training Section

5) Vehicle Skills Section

The recruit program is intended to present the fundamentals of modern police work and the general knowledge necessary to make the recruit a competent, professional performer at the level of patrolman or officer.

This program is designed to provide the new member of the Department with the knowledge and techniques necessary for effective and well disciplined police service, coupled with the development of proper professional attitude and individual responsibility.

BREAKDOWN OF HOURS BY SECTIONS

Police Operations Section	321
Laws & Documents Section	149
Physical Training Section	63
Firearms Training Section	40
Vehicle Skills Section	35

METROPOLITAN POLICE DEPARTMENT
TRAINING DIVISION

INTRODUCTION

The Training Division now resides at both the U. S. Naval Annex in Anacostia and the new Police Academy located at 4665 Blue Plains Drive, S. W.

The bulk of the activities of the Training Division is directed toward the training of the recruit officer.

However, the Training Division also conducts training sessions in Crime Scene Search, Narcotics Identification, Fingerprint and Photographing, In-Service, First-Line Supervision (Sergeants School), Mid-Management (Lieutenant's School) Investigator Training and In-Service Driver Training and Motor Scooter Training. Clearly, an officer who graduates from Recruit Training only commences his police education with the Metropolitan Police Department.

POLICE OPERATIONS SECTION

The Police Operations Section instructs or presents a total of 321 hours. The major subjects this section covers include: The Police Manual, Report Writing, Court Procedures and Emerging Role. The section is also responsible for a two hour Orientation and Critique of the total 80 hours of recruit involvement in *On-the-Job-Training* (O.J.T.). The goal of the O.J.T. portion of the recruit's training is to provide the recruit with an opportunity to gain a better and more realistic concept of the police task and police objectives. In this program, he experiences the practical application and association of classroom taught material with live field situations.

Upon his return from this assignment, each recruit is required to complete a critique sheet evaluating his

O.J.T. experience. This critique is submitted anonymously and refers only to general comment that is directed neither to individual officers in the field nor to individual districts or other areas of assignment. Through review of these critiques, the Training Division can discover needs for training in specific areas not previously covered or strengthen those areas of training which appear deficient. Through this method, the overall efficiency and effectiveness of our department may be improved measurably.

LAWS AND DOCUMENTS SECTION

The Laws and Documents Section presents 149 hours of instruction on all subjects pertaining to law and law related subjects pertinent to the function of this department. This section also provides instruction in departmental policies published in written directives. As a service to other units of the Training Division, this unit also prepares and circulates to the staff briefs of current D.C. court cases germane to the current programs of instruction in the recruit curriculum.

The Metropolitan Police Department firmly believes superior police service can be achieved when the individual officer knows the law and is thereby equipped with the ability to enforce it from a solid base of understanding.

PHYSICAL TRAINING SECTION

The Physical Training Section spreads their 63 hours of instruction, demonstration and exercises evenly over the entire seventeen weeks of recruit training. In the first hour of instruction the recruits are informed of the demeanor and discipline as well as the equipment they are to bring to the program. The remainder of the program is based on two hour blocks. For the first hour recruits participate in basic conditioning exercises. The next hour is spent in non-contact instruction in self-defense. Basic

water survival is also covered. Finally each recruit is required to pass a basic physical ability test.

FIRE-ARMS TRAINING SECTION

Fire-Arms instruction consists of general weapons familiarization through actual firing of such common police weapons as the shotgun, rifle, and service revolver. The recruit receives complete instruction in nomenclature and operation of his service revolver. He is also instructed in maintenance, security safety, routine loading and emergency line-of-duty use of the weapon.

Recruits are required to shoot for score before they are issued their service revolvers. Responsibility and caution are stressed throughout the 40 hours of in-depth training.

VEHICLE SKILLS TRAINING

A total of 35 hours of instruction is devoted to vehicle skills for recruit officers. The recruits become familiar with emergency vehicle operation. The awesome responsibility and need for safety and care is stressed. The foundation of the Driver Training in Vehicle Skills is defensiveness. Finally the recruit receives intensive training in patrol and patrol procedures.

Hourly instruction by its very nature tends to be fragmentary. However, the Training Division is able to maintain continuity by assigning experienced Sergeant/Instructors and Officer/Instructors as direct supervisors. These instructors bind the training of the recruits into a solid foundation that each individual officer can rely on for his entire police career. Recruit officers like their brother patrol officers stand roll call, inspection, make reports, file statements and when needed work overtime and special details. The training provided in this manner and through the class sergeant and class officer although not a separate section of recruit training is invaluable.

November 1971

METROPOLITAN POLICE DEPARTMENT
TRAINING DIVISION

POLICE OPERATIONS SECTION

The Police Operations Section instructs a total of *56* subjects and is responsible for *321* hours of classroom and non-classroom presentation.

The Operations Syllabus has been broken down into two Units:

I. Rule and Procedures

II. Behavioral Science

The overall and general outline as follows provides an in depth view of the scope and complexities of the many and varied subjects covered in Police Operations Section.

METROPOLITAN POLICE DEPARTMENT
TRAINING DIVISION

CURRICULUM

DIVISION I

Police Operations
(321 Hours)

C O N T E N T S

Series	Hours	Title
I	1	Notebook Instruction
I	1	Police Clinic
I	4	Property
I	2	Public Space
I	18	Police Manual
I	1	Traffic Accident Policy
I	1	Barricaded Criminals
I	1	Traffic Direction
I	1	K-9 Corps
I	1	Driving While Under Influence
I	2	Armed Forces Police
I	1	N.C.I.C. and W.A.L.E.S.
I	7	Recognition and Preservation of Evidence
I	2	Mass Arrests
I	2	Station House and Switchboard
I	5	Auto and Footman Radio

Series	Hours	Title
I	42	Report Writing and Report Writing Review
I	27	Court Procedures
I	1	Use of Service Revolver
I	2	Manual Review
I	2	Court Procedures Review
I	2	Hospitalization of Persons
I	5	Stop and Approach
I	1	Organization of City Government
I	4	City Geography
I	2	Critique of On-the-Job-Training
I	1	Film-Police Image
I	27	Information From Supportive Units
II	3	Community Relations
II	7	The Juvenile Offender
II	21	Emerging Role
II	6	Mental Observation and Field Trip
II	2	Interviews and Interrogations
II	1	Rules for Officers
II	1	Code of Conduct
II	1	Courtesy
II	3	Ethics in Law Enforcement
II	3	Introduction to Police Functions and Duties
II	6	Family Crises and Interventions
II	82	On-The-Job-Training

METROPOLITAN POLICE DEPARTMENT
TRAINING DIVISION

SYLLABUS

POLICE OPERATIONS SECTION

*** CONTENTS ***

I.	RULES AND PROCEDURES UNIT	134 Hours	
	(Purpose and Objectives	35	
		179	
II.	BEHAVIORAL SCIENCE UNIT	60 Hours	
	(Purpose and Objectives)	82	
		142	
TOTAL		321 Hours	

NOVEMBER, 1971

I. RULES AND PROCEDURES UNIT—177 Hours Total

Purpose: Ensure a reasonable level of comprehension of Departmental rules and procedures; i.e., uniform, Manual, General Orders, Memorandums, etc.

Objective: Quote general Departmental rules and procedures in their own words and be able to locate the more specific rules and procedures.

HOURS	COURSES
1	*Notebook Instruction* To Teach the student correct notebook preparation and relate importance of keeping notes.
1	*Police Clinic*
4	*Property* Instructions relating to procedures in recording, handling and disposition of various types of property coming into custody of Metropolitan Police Department.
1st	Handling prisoners' property; Use of P. D 82 (Property Book)
2nd	Handling proceeds of crime; Abandoned property; Found property; Property of deceased persons; and Property Releases.
3rd	Property of sick persons or those under Mental Observation; Handling baggage checks; Death in a Hotel; Fire and disaster scenes; Impounded vehicles and bicycles.
4th	Prepare Form P. D. 81.

HOURS	COURSES
2	*Public Space* Officers' responsibilities in circumstances where District of Columbia might be involved in civil suits; reporting hazardous conditions; notification of Corporation Counsel of dangerous conditions on private property and damage to certain District of Columbia property.
18	*Police Manual* Rules and regulations of the Metropolitan Police Department of District of Columbia.
1st	Origin of the Metropolitan Police Department authorization and set up by Congress.
2nd	Continuation of Acts of Congress and Responsibilities of Police.
3rd	Instruction on General Police Work and Use of Service Revolver.
4th	Obligations and Duties of General Police Work; Police Appearance and other requirements.
5th	Procedures on finding dead body.
6th	General duties; Courtsey; Instructions on Saluting.
7th	Further instructions on Saluting; Uniforms and equipment.
8th	Proper dress; maintenance of equipment; Leaves of Absence; Handling Prisoners.
9th	Court procedures; Court appearances; Collateral and bond procedures.
10th	Duties on Street Patrol.

HOURS	COURSES
11th	Duties and Responsibilities of Station Clerk; The Patrol Signal System (PSS).
12th	MPDC Communications and Records Bureau; Operation of Radio Equipment and Scout Cars.
13th	Functions of Civil Disturbance Unit; Requirements of Special Policemen.
14th	General Principles of Law; Police Clinic; Medical Retirement.
15th	General Rules; Disciplinary Procedures; Trial Board Procedures.
16th	Review
17th	Written Examination
18th	Critique
1	*Traffic Accident Policy*
1	*Barricaded Criminals* Police procedures for apprehending barricaded criminals or deranged persons.
1	*Traffic Direction*
1	*K-9 Corps*—Availability and Use
1	*Driving While Under Influence* Policy and procedures for handling intoxicated persons. Proper preparation of cases is emphasized.
2	*Armed Forces Police* Arrests of service personnel, service of warrants, subpoenas, etc., on service personnel, police witnesses at military courts. Guest speaker from Armed Forces Police.

HOURS	COURSES
1	*NCIC and WALES* (National Crime Information Center and Washington Area Law Enforcement System) Brief introduction to the availability of information.
7	*Recognition and Preservation of Evidence* Includes guest speaker from MPDC I.D. Bureau on recognition, collection and processing of physical evidence at scene of crime.
2	*Mass Arrests* Procedures for handling prisoners and property during civil disturbances, operation of the Emergency Property Receiving Office, Booking Units and Prisoner Control Centers during civil disturbances and other emergency situations. Procedures to be used in making mass arrests at civil disturbances and non-violent demonstrations. Use of Field Arrest Book, PD-759.
1st	Procedures for handling prisoners & Property during civil disturbances, operation of the Emergency Property Receiving Office, Booking Units, and Prisoner Control Centers during civil disturbances and other emergency situations.
2nd	Outline procedures to be used in making mass arrests at civil disturbances and non-violent demonstrations. Use of Field arrest book, P.D. Form 759.
2	*Station House and Switchboard* Acquaint officers with station house duties; i.e. station clerk, patrol signal system man and use of patrol signal system and call box.

HOURS	COURSES
5	*Auto and Footman Radio* Using general broadcasts, flash lookouts, Form P.D. 106, procedure for use of road blocks, use of emergency warning devices, responding to Signal 10-33.
1st & 2nd	Practical Experience
3rd	Lecture
4th & 5th	Guest Speaker from Police Radio Shop
42	*Report Writing and Report Writing Review* Group participation in preparation of reports, lectures and individual critiques of reports submitted, spelling and sentence structure.
1st & 2nd	Introduction to writing an effective report (Film)
3rd & 4th	Organization of the narrative of a police report.
5th	Police jargon
6th	Sentence faults
7th	Spelling (a) Word meaning (b) Use
8th	Skill Drills (a) Weekly tests (b) Homework assignments
9th	Introduction: All Police Department Forms, stressing P.D. Forms handled by the Uniform Force Patrol Division.

HOURS	COURSES
10th	Continuation of Hour Nine with A. Descriptions of Persons 1. Basic look-out information, methods in obtaining look-outs. Explanation of P.D. 106, FLASH LOOK-OUT FORM. 2. Property Descriptions. Correct correlation of facts pertaining to the listing of property: Serial number, Model numbers, color and any other relevant marks and values of property stolen, found, impounded, etc. 3. Narrative formulas are to give the student officer a basic procedural format for constructing a concise, logical narrative with neatness instilled in the recruit officer.
11th	P. D. Form 253 departmental form to record incidents where an official record is needed and makes a permanent record of police action taken. P. D. 253: An incident report used to make an official police action record in conjunction with required Departmental Orders pertaining to "Sick Persons to the Hospital," emphasis on G. O. 6-6A, 1962, "Sick Person to the Detoxification Center," G. O. 3, 1965, "Sick Person (M.O.) Mental Observation to the Hospital." In addition the "Injured Person to the Hospital," report following the basic format aligned with the above mentioned reports.

HOURS	COURSES
12th	P. D. 253: Incident Report to record animal bites giving all interested agencies the basic information needed to safeguard the public's health. The correct report titles are: "Dog Bite, "Rat Bite", "Snake Bite," etc. Whenever possible, the biting animal's owner is to be served with a P. D. 48, Impounding Notice of the animal, copies of which are forwarded to the Health Department in conjunction, any violation on the owner's part, to be served with a P. D. 61-D, Municipal Violation Notice, the specified violation to be stated on same.
13th & 14th	P. D. 253: Incident Report dealing with natural deaths. The correct title heading in Item 8 is, "Natural Death Report," and the primary objective in this two hour block of instruction is to make the recruit officer aware of the subject's cause of demise or any implications of prior medical treatment, (Doctor's name, prescriptions, recent injuries, Symptoms, Signs of Illness). The second hour should relate the proper procedures in handling deceased persons property as provided and set forth by General Order 10, 1958, Series A through I.
15th	P. D. 253: Incident Report related to "Lost Property" report and "Found Property" reports. General Order 10-A through I, Series 1958, applies to the procedures instituted in handling said property. Special notice given to the narrative regarding the P. D. 82, Property Book number and page number, in addition to the P. D. 82-A, Field Receipt Form.

HOURS	COURSES
16-A	P. D. 81: Property Return Form is a pre-assembled four copy form used to record all property taken into custody by the MPDC. Examples to be covered in class will be "Found," "Abandoned," "Impounded," and "Evidence," or "Suspected Proceeds of Crime." The latter two titled types of property to be typed in *Red Ink*. Particular emphasis to be given this report as an In-Station Report to be typed always. Explanation of the P. D. 82, Property (Large book used to record descriptions of property, brief statement of how property was acquired.) The P. D. 81-A (Short form used to release property that is releasable at the District level, such as the return of vehicles, or impounded property. The P. D. 81-A may be hand printed or typed.
16-B	Five minutes to be devoted to relate the upcoming hours of instruction pertaining to the P. D. 172, Vehicle Report. Circumstances of Stolen Auto's recovered, "Impounded," "Abandoned,"
17th	P. D. 172: "Vehicle Report." This hour is devoted to the handling of various vehicle situations and proper formats for record purposes. Relationships pointed out, relating to Hour 16-A.
18th	P.D. 251: "Offense Report". The P.D. 251 is used to record all criminal incidents. This hour is to familiarize the student officer with the Offense Report, an introduction to the P.D. 252, Witness Statement, the P.D. 255, Arrest Report, and the P.D. 163, Com-

HOURS	COURSES
18th (cont.)	bination Line-Up, Prosecution Report. All of the previous reports mentioned will include basic background information relating to a Robbery Hold-Up (Gun) case.
19th	P.D. 252: A simple concise form with a three way purpose. The one hour block of instruction will point out the proper formats and techniques to be used in, (a) "Witness Statement", (b) "Follow-Up Investigation Reports" and (c) "Supplemental Information Reports".
20th	P.D. 255: "Arrest Report". A standard form used whenever an arrest is made. The hour's indoctrination to the P.D. 255, stresses single charges and multiple charges, basic background as to the Station Clerk's responsibilities in handling, processing the P.D. 255.
21st	P.D. 163: Prosecution Report—Line-Up Fact Sheet. This report form is introduced as to the student recruit officer with emphasis on the necessary procedures using correct ? ? ? ? ? ? Corporation Counsel and Assistant U.S. Attorney in prosecuting all cases.
22nd	P.D. 251: Street Robbery. Differential street robberies broken down into three basic categories, (a) Robbery Yoke, (b) Pocketbook Snatch and (c) Robbery Force and Violation. All classifications will be explained to the recruit officer regarding report titles and how to distinguish between them.

HOURS	COURSES
23rd	P.D. 251: "Petit Larceny" report and "Burglary II" reports. The latter will be devoted to a private residence. The one hour block of instruction is elementary format requirements.
24th	P. D. 251: "Grand Larceny: report and "Burglary II, report of a business establishment. Repetition of hour 23 with outstanding points to be defined regarding Petit Larceny and Grand Larceny. The difference between B-II, Private Home and B-II of a store with heavy emphasis on narrative construction.
25th, 26th, 27th, 28th 29th, 30th, & 31st	A seven-hour practical problem geared to a life-like situation utilizing as many of previous report forms as possible. Suggested situation for evaluation of skills obtained by the student officer is a Robbery Hold-Up (Gun), the final hour is used to evaluate and critique the problems for possible improvement and to aid realness.
32nd & 33rd	P. D. 251: Criminal Assault Report (Rape). A two-hour practical problem utilizing prior 251 offense report formats. General Order 6, 1969, Crime Scene Protection, with guidelines paralleling sex offenses, and crime scene procedures.
34th	P. D. 251: Offense Report, utilization of procedures of initial "Simple Assault" reports and the various aspects in "Assault Deadly Weapon" reports, the latter commonly referred to as an "ADW" report. Intensified instruction will be given the officers as to the wide area of weapons used to commit assaults with.

HOURS	COURSES
35th	P. D. 253: Incident Report. The hour block of instruction will cover basic need-to-know procedures regarding "Alcohol Beverage Control" Violation Reports.
36th & 37th	P. D. 257: "Missing Person" report, is a standard department form. The two hour block of instruction will involve a practical problem dealing with a missing mentally ill child. The student officer will become familiar with General Order 8, and 8-A, 1971, in addition to routine follow up cancellation.
38th & 39th	P.D. 10 and 10-A, "Accident Report", Accident with Injury report". The first hour instruction will cover a signal 10-50 and signal 10-50EYE Injury definition of the former and latter accidents. The second hour is devoted to parking tickets, moving violations tickets, reciprocity form and warning tickets.
40th	A one hour block of instruction relating to the basic formats of proper Departmental letter writing.
41st & 42nd	Critique of entire program (allow fifteen to twenty minutes).
	Examination: Simulated one man scout car 10-99. The Field Report Writing Handbook with all corrected homework reports may be used by the student. The recruit officer will be required to fill out proficiently a minimum of five reports, the latter reporting situations will be the instructor's prerogative.

HOURS	COURSES
27	*Court Procedures* To instruct the officer in the proper way to process criminal and traffic cases from point of arrest through various courts.
1	*Use of Service Revolver*
2	*Manual Review*
2	*Court Procedures Review*
2	*Hospitalization of Persons* Use of Form P.D. 162-A, admission of persons to hospital, detention of prisoners at hospital, identification cards for persons suffering from illnesses or other conditions similar to intoxication, procedures to follow when finding persons in a semiconscious or unconscious condition.
5	*Stop and Approach* Acquaint student officer with need for the proper image and/or safety in police violator situation.
1st	The Police Image
2nd	Handling the Traffic Violator
3rd	Stopping the Felony Suspect
4th	Aggressive Patrol and Field Inquiry
5th	Stop and Frisk
1	*Organization of City Government*
4	*City Geography*
2	*Critique of On-The-Job Training*
1	*Film—Police Image*

HOURS	COURSES
27	*Information From Supportive Units* This segment of instruction consists of various guest speakers from the following: Claims against District of Columbia by Corporation Counsel; Robbery Squad; Liquor and Gambling Squad; Sex Squad; Field Inspection Unit; PEPCO (Hot Wires); Homicide Squad; D.C. Fire Department (Arson Investigation); Check and Fraud Squad; Federal Firearms; Narcotics Unit; U.S. Army Explosives Ordinance Division (handling explosives); U.S. Secret Service (counterfeit money); Federal Bureau of Investigation (functions and duties); Police Chaplin.

II. BEHAVIORAL SCIENCE UNIT—142 Hours Total

Purpose: To bring about within the Officer an awareness of his responsibilities and role in the community and to ensure a reasonable level of comprehension of Departmental orders with reference to handling juveniles, mental observation cases, interviews and interrogation.

Objective: Ensure Police Officer is equipped both academically and psychologically to perform under situations of stress, emergency, etc.

HOURS	COURSES
3	*Community Relations* To bring about a recognition by the trainee that full and reliable information concerning crime can only come through close ties, mutual confidence, respect and open communication with those whose welfare he is charged with.
7	*The Juvenile Offender* To familiarize the Recruit Officer with Departmental policy and procedure for handling juveniles. Foster an awareness of and appreciation for the stresses, problems and pressures of urban youth. To improve police handling of juveniles through role playing.
21	*Emerging Role* To foster a professional attitude and recognition of the role of the local law enforcement agent in the urban society. To bring about recognition by the officer of his own inner prejudices and biases.
6	*Mental Observation and Field Trip* 2 Hours classroom instruction on how to recognize, handle and process suspected mentally ill cases. Tour of St. Elizabeth's Hospital showing various programs set up to handle the mentally deranged and therapy.
2	*Interviews and Interrogations* Teach Recruit Officer to know the difference between an interview and an interrogation. He will also learn basic techniques, procedures and skills in accomplishing both tasks.

HOURS	COURSES
1	*Rules for Officers*
1	*Code of Conduct* Present established standards for the personal conduct of all members of the Metropolitan Police Department concerning the performance of duty, exercise of police powers and their relationship with the public.
1	*Courtesy* Departmental Policy and Procedures in duties involving public contact and visitors.
3	*Ethics in Law Enforcement*
3	*Introduction to Police Functions and Duties*
6	*Family Crises and Interventions* (Explain)
82	*On-The-Job-Training*

LAWS AND DOCUMENTS

The Laws and Documents Unit of the Metropolitan Police Department Training Division is responsible for a total of 149 training hours of instruction within the Training Division. The following is the breakdown of instruction hours for each subject taught:

a.	36 hours	District of Columbia Code
b.	17	Police Regulations
c.	23	Traffic Regulations
d.	11	Alcoholic Beverage Control
e.	20	Rules of Evidence
f.	40	Laws of Arrest
g.	1	Dog Bites
h.	1	Gambling Unit
	149	Total Hours

DISTRICT OF COLUMBIA CODE 36 HOUR COURSE

The purpose of the course is to introduce the student officers to the criminal statutes of the D.C. Code that are necessary to enable the student officer to exercise his authority and knowledge in a practical application to street duty with equity, compassion and justice.

At the completion of this course the student officer will be able to do the following: (1) Determine when a crime has occurred; (2) List which crimes are misdemeanors and felonies; (3) Determine what type of crime has been committed; (4) Determine what police action should be taken.

This thirty-six hour course covers the District of Columbia Code statutes essential to the foundation of an efficient law enforcement officer.

The course is divided into two sections. Hours 1 thru 16 for part one and hours 17 thru 34 for part two.

Part I consists of the following topics: INTRODUCTION, CRIMES AGAINST PERSONS, CRIMES AGAINST MORALITY AND WEAPONS OFFENSES.

Part II consists of the following topics: CRIMES AGAINST PROPERTY, CRIMES AGAINST PUBLIC PEACE AND MISCELLANEOUS OFFENSES.

PART I

HOUR	
1	Definition of crime Definition of law Classification of crime Elements of crime
2	Parties to crimes Attempts Defense & Privileges Statute of Limitation Bail/Bond

HOUR	
3 & 4	Threats Simple Assault A.D.W. Assault w/intent to commit Mayhem Mayhem
5	Assault on Police Assault w/intent to: Rob Rape Kill Poison Assault w/intent to commit any other offense
6	Homicide: Murder I 2401 Murder II 2403
7	Manslaughter 2405 Negligent Homicide 40-606
8	Weapons Offenses CDW CCW UPP PPW (A) (B)
9	Police Regulation Art 50-55 Gun Registration
10	Weapons Questionnaire Review
11	Fornication Adultery Incest Abortion

HOUR

12 Bigamy
Seduction 3001
Seduction by Teacher 3002

13 Indecent Acts with Children
Sodomy
Miller Act

14 Prostitution Soliciting
Pandering Abduction
Procuring
Running House of Prostitution
Maintaining Disorderly House

15 Gambling: 1501
Operating Lottery
Poss. of Lottery Slips
Permitting sale on premises
Setting up gaming tables
Maintaining gaming premises
P.I.E.
Bookmaking 1508
3 Carde Monte 1506

16 Quiz
Review

PART II

17 *Larceny*:

Taking property w/o right 22-1211
Petit Larceny 22-2202
Grand Larceny 22-2201
Att/Grand Larceny 22-103

HOUR

18 Larceny after trust 22-2203
Larceny by trick 22-2201/2
Larceny from D.C. Government 2206
Larceny from U.S. Government (U.S. Code)
Larceny from interstate shipment
(18 U.S.C. 659)
Larceny from mail (U.S. Code)

19 False pretense 1301
Unpaid board bill 1303
Fail to pay cab fare (PUC)

20 Receiving stolen property 2205
Destroying stolen property 2208
Receiving stolen D.C. property 2206
Bringing stolen property into D.C. 22-108

21 Unauthorized use of vehicle 2204
Attempt unauthorized use of vehicle 22-103
Tampering with auto (Police Regulations)

22 & 23 Forcible entry & detainer 3101
Unlawful entry 3102
Burglary II 1801
Burglary I 1801

24 Robbery: 2901
Attempt Robbery 2902

Fear
Force & Violence
PBS
Snatch
Hold-up
Pickpocket

HOUR	
25	Depradation to fixtures 3104 Placing explosives 3105 Destruction of bldgs., monuments 3112 Destruction of material for streets 3113 Arson 401 Burning own prop. w/intent to defraud 402 Destruction of Prop. of another 403
26	*Disorderly Conduct* Affrays 1101 Duelling 1102 Unlawful assembly 1107 Indecent Exposure 1112 Peeping Tom 1121 Playing games in street 1109 Dangerous dog at large 1111 Cruelty to animals 801-814
27	*Disorderly Conduct* Bonfires 1113 Disturbing religious congregation 1114 False alarm of fire 1119 Sale of tobacco to minor 1120 Riots (1122) Supp. (Solicitors 47-2337) (Dog collars 47-2006)
28	Blackmail 2305 Forgery 1401 Bad check law 1410 Bribery 22-701
29	*Narcotic Laws* U.N.A. 33-402 Dangerous Drug Act 33-702

HOUR	
30	*Controlled Substance Act* 1970 Crime Bill
31	*Miscellaneous* Slugs Molotov Cocktails Breaking & Entering Vending Machines
32	Review of D.C. Code Course
33 & 34	Test and Critique
35 & 36	Senior Class Final Review

POLICE REGULATIONS

HOUR	COURSE AND DESCRIPTION
1	Introduction, Congressional authority. Second-hand dealers, and regulations, Officer's duties, and responsibility of owner to department. Venders, regulations pertaining to, types. Guides, types, regulations pertaining to. Delivering sermon, speech on public space—permit for.
2	Material to be placed on public space, permit, objects prohibited, objects extending over public space, open vault covers. Vacant lots, responsibility. Erection, demolition, or repairs of buildings, permit required. Advertising material. Entering sewers, etc. Public waste paper boxes.
3	Quiz

HOUR	COURSE AND DESCRIPTION
4	Fences. Hedges. Stores in a residential area, regulations. Stores in a business area, regulations. Bootblack stands. Temporary covered ways. Opening in a sidewalk. Soliciting on public space for employment or goods. Interfering with people on public space or in a public place. Playing ball on public space. Selling tickets, begging and soliciting alms. Placing, storing vehicles, displaying or advertising. Orating, bosing, on sidewalk.
5	Newspaper regulations. Quiet zone regulations. Musical instrument regulations. Safety zones; Police press passes, Fire passes, Emergency pass regulations, Unnecessary and unusual noises and disturbing peace and quiet.
6	Quiz number 2 to be given.
7	Excavating regulation, permit requirements; vault covers; erecting or planting requirements; oil delivery regulation; guns, air guns, rifle regulations; discharging firearms, shooting galleries, violation to possess certain items, entertainment regulations.
8	Dances; when officer may enter; requirements for temporary place of abode; Pool establishments; dogs barking, dogs on public space, confining dogs, wild animals on public space, keeping pets; sending false calls, causing false reports.

HOUR	COURSE AND DESCRIPTION
9	Lamp posts and fixtures, placing signs on lamp posts, defacing lamp posts. Tying animals. Trimming, pruning trees, attaching rope or wires. Tapping water main. Auctions.
10	Give quiz number 3.
11	Violations to expectorate or spit. Playing games of chance. Public convenience station. Trespassing. Work on Sunday, work on secular days of the week. Tampering. Device to counteract police radar.
12	Size of lot when regulation applies. Removing vehicle. Parking lot attendants. Soliciting. Beggars.
13	Street photography regulations, Rodent control, Municipal Center parking regulations. Licenses for motor vehicle driving instructors. Mechanical amusement machines. Furnishing false information to secure permit or certificate from superintendent of permits. Safeguarding of unused or discarded refrigerators, ice-boxes, freezer lockers, or other boxes or containers capable of confining children.
14	Admission to, and accommodation in, licensed places of public amusement. Pawnbrokers. Use of sidewalk space. Inspection and registration of bicycles.
15	Prohibiting discrimination by reason of race, color, religion, or national origin against persons seeking or utilizing housing units. Illegal use of glues containing a solvent having the property of releasing toxic

HOUR	COURSE AND DESCRIPTION
15 (cont.)	vapors or fumes. Prohibition of discrimination against anyone for any reason in reference to employment. Emergency regulations.
16	Review
17	Test

TRAFFIC REGULATIONS

23 Hours

An analysis of the city ordinances regarding: required obedience to traffic regulations, traffic signals, signs, marking and control, accidents, speed restriction, pedestrian's rights and duties, parking zones, required equipment, accessories, definition of terms; emphasis on most frequently violated sections.

HOUR	COURSE AND DESCRIPTION
1	Familiarize the student with the need to regulate traffic, the need for enforcement, and the problems policemen have as a result of these regulations and his enforcement responsibility. Special attention is given to the source of the regulation and a resume of the course is also given.
2	Familiarize the student with words and phrases that have a particular or peculiar meaning as used in the traffic regulations.
3	Familiarize the student with the regulations that indicate who must obey the regulations, who is affected by the regulations, and the exceptions. Lesson also stresses traffic regulation signs, signals, and markings.

HOUR	COURSE AND DESCRIPTION
4	Familiarize student with regulations that deal with traffic signs, signals, markings. Special consideration is given to lawful orders given by a police officer and the steady yellow or caution light.
5	Familiarize the student with regulations on more serious violations, such as negligent homicide. DWI, reckless driving, and speeding. The driver's responsibility in traffic death or personal injury situations, his safety responsibility, and the penalty clause are covered, as well as the responsibilities of garages and repair shops.
6	Familiarize the student with regulations on driving to the right of the roadway, passing, passing on the right, one-way streets, following too closely, and other traffic rules and their exceptions.
7	Familiarize student with regulations on correct position and method of turning at intersections, U turns, proper starting and signals for turns and stops.
8	Familiarize the student with the regulations on right-of-way at intersections, when making left turns, when approaching stop or yield intersections, when emerging from or entering alleys, and when emergency vehicles approach.
9	Familiarize student with regulations on the pedestrian's rights and duties, his right-of-way in crosswalks, and his responsibilities while crossing in other than at crosswalks. The bicycle regulations are also presented.

HOUR	COURSE AND DESCRIPTION
10-11	Familiarize the student with regulations on parking, standing, and stopping restrictions. Special attention is given to loading zone regulations, parking meter regulations, and impounding procedures.
12-13	Familiarize the student with miscellaneous regulations not covered everywhere. Includes unattended vehicle, obstructing the driver, coasting, following fire apparatus, crossing fire hoses, driving on sidewalks, backing, emergency snow routes and processing.

ALCOHOLIC BEVERAGE CONTROL REGULATIONS

The A.B.C. Regulations consist of ten hours of instruction; nine hours covering the pamphlet handout to the students and one hour devoted to General Order No. 18, Series 1969. A written examination is given during the eleventh hour by the examination section. This examination is numerically scored and averaged in with the test scores for the other eight major subjects to compute the student officer's final scholastic average. The questions involved are designed to test the student's knowledge of the subject with special emphasis placed on those areas in which the officer may be required to take official action.

HOUR	SUBJECT MATTER
1	A short introduction is given illustrating the importance of a good working knowledge of the A.B.C. Regulations, a brief explanation of the procedure involved when the officer becomes aware of a violation. An explanation is made instructing the students of the subject's requirement to make and properly fill out an A.B.C. chart. Definitions and terms are defined as per the regulations.

HOUR	SUBJECT MATTER
2	Instruction is given regarding the makeup of the A.B.C. Board, its selection, its tenure of office, authority, functions and duties. Information regarding City Council's authority and responsibility is explained.
3	Licenses are discussed and explained in detail, i.e., types of activity, beverages handled and to whom they may be sold, how they are delivered. Manufacture's Class A, Class B, Wholesaler's Class A, Class B, Retailer's Class A)
4	Licenses are discussed and explained in detail, i.e., type of activity, beverages handled and to whom they may be sold, how they are delivered. (Retailer's Class B, Class C, Class D)
5	Licenses are discussed and explained in detail, i.e., types of activity, beverages handled and to whom they may be sold, how they are delivered. (Retailer's Class E, Class F, Consumption License for a Club, Solicitor's License)
6	Transportation of beverages into the District. Legal age for sale or delivery of alcoholic beverages is discussed. Drinking in public is discussed with special emphasis given to excerpts from G.O. 11, Series 1968 dealing with handling intoxicated persons in public.
7	Discussion dealing with search warrants, who issues, when issued, assault an officer who is serving such warrant. Discussion involving false representation of age of a minor by someone other than a minor. General penalty clause is explained.

HOUR	SUBJECT MATTER
8	Selling on credit is discussed. Abatement of nuisance and certificate of occupancy is explained to the students. Discussion of advertisements, improper, false and misleading. Display of licenses issued by the Board is explained. Transfer of licenses and display or erection of signs or exterior of licensed premises is discussed briefly.
9	Discussion and explanation of General Order No. 18, Series 1969, A.B.C. Violations.
10	Example and discussion of an actual A.B.C. case involving Leeds Beverage, Inc. is used to familiarize the student with the procedure. Open for class questions and clarification.
11	A fifty question written examination is given by the examination section.

RULES OF EVIDENCE

20 Hours

This course is to be taught in 20 hours and starts in the second week curriculum. The objective is to introduce the recruit officer to the legal tool used by Government and Defense attorneys in criminal trials. An understanding of the philosophy upon which the rules of evidence are based is important. Equally important is the officer's functional knowledge of these rules. He must make the case fit the law; he cannot make the law fit the case. A recruit officer, so prepared, will be able to perform his police function in a manner creditable to his department, his community, and to himself.

The Rules of Evidence will be subdivided as follows for instruction:

1. Primitive methods of trial
2. Evidence (Defined, described, classified)
3. Admissibility of evidence
4. Judicial notice, Presumptions, Inferences (Burden of Proof)
5. The Hearsay Rule and Exceptions to it
6. The Corpus Delecti Rule (Case Examples)
7. The Best Evidence Rule (Secondary Evidence)
8. The Expert Witness and Opinion testimony
9. Privileged Communications: Impeachment of witnesses

HOUR	COURSE CONTENTS
1 & 2	Introduction; Explanation of course and format; Definitions of terms. The following material will be covered: a. Primitive methods of Trial b. Development of rules of evidence c. Classification of evidence d. Judicial process: 6th Amendment, Rights, etc.
3	Admissibility of Evidence: Admissibility and Weight of evidence distinguished; Explanation of Relevancy, Materiality and Competency with reference to criminal court cases.
4	Judicial Notice, Presumptions, Inferences and Intent will be clarified for the recruit officer.

HOUR	COURSE CONTENTS
5	Burden of Proof and Burden of Evidence explained with reference to civil and criminal cases.
6	Defenses used by defendants: a. Alibi b. Sanity and Insanity (Durham Rule in D.C.) c. Self-defense
7	The Hearsay Rule defined and explained; the meaning of admissions and confessions explained, with reference to: a. Judicial confessions b. Extra-judicial confessions c. Types of confessions and admissions (oral, written and conduct)
8	Police procedure for admissions and confessions and effect of recent cases, such as Miranda, Mallory, etc. Voluntary rule and no inducement rule.
9	Admissions and confessions continued. Police testimony on admissions and confessions and relation to hearsay rule.
10	The Hearsay Rule and exceptions to it: a. Tacit admissions and confessions (Non-custodial). Explain how Miranda affects Tacit admissions and Confessions in criminal cases. b. Res Gestae Declarations (with practical examples) c. Dying Declarations

HOUR	COURSE CONTENTS
11	Hearsay Rule exceptions, continued: a. Public Records b. Business records (Regular entries in the course of business) c. Matters of pedigree d. Former testimony
12	The expert Witness and Opinion Testimony (Case examples)
13	The Best Evidence Rule a. Secondary evidence b. Exceptions where secondary evidence is permitted c. Authenticity—best evidence rule applied to documents. Forged documents. d. Importance of chain of custody in introduction of evidence in court.

LAW OF ARREST, SEARCH, AND SEIZURE

40 Hours

This course is presented in 40 hours of classroom instruction and its purpose is to give the student a working knowledge of the powers delegated to him by the law, and those limitations on that power. The instruction is geared to the laws of the District of Columbia and the policies of the Metropolitan Police Department.

The Fourth Amendment can almost be taken as an outline for the course. The term arrest is defined as a seizure of the person, and the limits of searches and seizures are covered throughout the course.

The course is a 40-hour course, with the first 14 hours dealing mainly with the fundamentals of arrest and related problems, with the remaining time spent on defining the powers and limitation on search and seizure. There will be handouts and quizzes as well as homework assignments to supplement the classroom instruction. Three hours have been reserved immediately prior to completion of the course for practical problems and their solutions. There will be two major examinations; one about the twentieth hour and the final examination at the thirty-eight hour. The hour-by-hour breakdown of the course is as follows:

HOUR	SUBJECT MATTER
1	Introduction. The students will be advised on what the course attempts to achieve. The importance of the Bill of Rights will be explained, the study materials will be given out and the course will be outlined.
2	Words and terms will be defined and their importance explained and the student will be introduced to some of the basic concepts of arrest.
3	The basic concepts will be further explored and arrest procedures will be explained to the fullest extent possible.
4	The authority to make arrests will be explained to the students as well as the limitations placed on that authority. Some practical problems will be given to the student at this time to test the effectiveness of the instruction.
5	The elements . ecessary to establish probable cause will be discussed and the differences between suspicion and probable will be explained.

HOUR	SUBJECT MATTER
6	Probable cause as it relates to arrest will be fully explained.
7	The law and departmental procedures relating to "fresh pursuit" will be covered in detail.
8	Department policy governing drunk and disorderly arrests will be explained.
9	The student will be instructed on Gen. Order 24, Series 1956, and other policies and laws governing immunity.
10	The legal requirements and authority conveyed by arrest warrants will be covered.
11	The similarities and differences between arrest warrants for felonies, misdemeanors and traffic will be discussed.
12	General Order 5, 1968, and problems relating to Citation Releases will be explained.
13	The law and departmental policies concerning "Stop and Frisk" will be covered in detail.
14	The Exclusionary Rule and the "Fruit of the poisoned tree" doctrines will be discussed and explained.
15	Entrapment, and the "Search and Seizure" clause of the Fourth Amendment will be discussed and explained.
16	Students will be taught the legal requirements of searches incident to arrest of the person.

HOUR	SUBJECT MATTER
17	Consent searches and warrant searches of the person will be explained and scope of the seizures will be taught.
18	Searches of the person based on probable cause will be discussed, and the "arms reach" and "Shock the conscience" doctrines will be explained.
19	Miscellaneous problems dealing with armed forces personnel, juvenile fugitive, and parolee arrests will be discussed.
20	At this point in the course, the first nineteen hours will be reviewed and those points that are unclear will be explained.
21	The students will be examined to determine how much of the first half of the course has been retained.
22	The term "Standing" will be explained and the legal requirements will be covered in detail.
23	The privileges and restrictions of searches of the premises incident arrest will be covered in detail.
24	Consent and warrant searches of the premises incident to arrest will be taught.
25	The requirements and procedures relating to search warrants will be covered.
26	Searches of the motor vehicle incident to an arrest and with a warrant will be discussed.
27	Searches of the motor vehicle incident to an arrest and with a warrant.

HOUR	SUBJECT MATTER
28	Searches of the motor vehicle based on probable cause and the searches of impounded vehicles will be explained.
29	Problems in identification relating to eyewitnesses and photographs.
30	Departmental procedures governing court ordered lineups will be discussed in detail.
31	Surveillance problems will be discussed.
32	Practices and procedures covering the use of informants will be discussed, and members of the Criminal Investigation Division will be invited to participate.
33-35	The staff, along with members of the Investigators Training Program, if available, will formulate practical problems and present to the students for solution. The handling of the problems will be critiqued by the staff and guest instructors.
36-38	The instruction given for the whole course will be summarized and reviewed and the students will be asked to critique both the course and the instruction.
39-40	Final Examination.

PHYSICAL SKILLS SECTION

The Physical Skills Section is responsible for a total of 63 hours of instruction, building the physical stature of the Recruit Officer, in order for him to meet the many potential hazards of police work.

The overall and general outline as follows, provides physical training, self defense and water safety.

PHYSICAL SKILLS TRAINING

63 HOURS

HOUR	
1	Introduction: Objectives and goals of a physically fit and well adjusted police officer and the exercises, uniforms and equipment that will be needed for this course.
2	Physical Training: Formation of the class, roll call and participation in the exercises as set forth in the lesson plan. Squat thrusts, sit-ups, push-ups and pull-ups. Each officer is weighed and measured for height and their ages are noted.
3	Self Defense: Personal weapons, vulnerable areas and the defensive stance.
4	Physical Training: A complete report of all the basic exercises with a gradual increase in the number of repetitions of each. Jogging started, ¼ mile.
5	Self Defense: Single and double wrist grasp. Practice and show elbow to the face. Chest grasp, emphasizing pull-off balance into arm bar.
6	Physical Training: General loosening up, and a repeat of hour 4 with a gradual increase of number of repetitions of the exercises.
7	Self Defense: Windmill, emphasize breaking of choke with straight arm, or elbow to face or cross over and throw. Explain anatomy of the throat relating to choke and breaking of choke.

HOUR	
8	Physical Training: Repeat of hour 4 with increased repetitions of exercises. Work on the four test exercises.
9	Self Defense: Kicks, proper stance, re-affirm proper distance when kicking.
10	Physical Training: Repeat of hour 4 with increased repetitions of exercises, work on the four test exercises.
11	Self Defense: Review all techniques to this point.
12	Physical Training: Repeat of hour 4 with increased repetitions of exercises. Work on test exercises.
13	Self Defense: Kicks from the ground and recovery to feet.
14	Physical Training: Repeat of hour 12.
15	Self Defense: Defense against strangles from the floor; breaks; and recovery.
16	Physical Training: Repeat of hour 12.
17	Self Defense: Demonstrate four types of come-along holds and stress under-the-arm techniques.
18	Physical Training: Repeat of hour 12.
19	Self Defense: Bar hammer lock and practice from come-along hold to bar hammer lock.
20	Physical Training: Repeat of hour 12.
21	Self Defense: Hand up; modified judo throw; practice and show correlation of the come-along hold and bar hammer lock.

HOUR	
22	Physical Training: Repeat of hour 12.
23	Self Defense: Review and drill on come-aiong hold, bar hammer lock and throw.
24	Physical Training: Repeat of hour 12.
25	Self Defense: Use of night stick against unarmed prisoner or subject armed with a knife.
26	Physical Training: Repeat of hour 12.
27	Self Defense: Mastoids; use and control of demonstrators.
28	Physical Training: Repeat of hour 12.
29	Self Defense: Hand gun disarming, front technique.
30	Physical Training: Repeat of hour 12.
31	Self Defense: Disarming from rear, two techniques.
32	Physical Training: Repeat of hour 12.
33	Self Defense: Use of handcuffs, lecture and front techniques.
34	Physical Training: Repeat of hour 12.
35	Self Defense: Use of handcuffs, rear off the wall.
36	Physical Training: Repeat of hour 12.
37	Self Defense: Use of handcuffs from the ground and auto.
38	Physical Training: Repeat of hour 12.
39	Self Defense: Searching prisoners—lecture and demonstrate.

HOUR	
40	Water Safety: Classroom introduction and orientation to water safety.
41	Water Safety: In pool, swimming test and elementary rescues. Proper acclimation to water.
42	Physical Training: Repeat of hour 12.
43	Self Defense: Review of handcuffs and searching procedures.
44	Water Safety: Classroom review of Chapters I and IV of textbook, "Life Saving and Water Safety."
45	Water Safety: In pool. Warm-up exercises and elementary rescues with extensions.
46	Physical Training: Repeat of hour 12.
47	Self Defense. Use of Mace.
48	Water Safety: In classroom, review of Chapters V, VII, VIII and IX of text and Chapter V, "Swimming Rescue."
49	Water Safety: In pool, demonstration of disrobing, inflation of clothing and floating.
50	Physical Training: Repeat of hour 12.
51	Self Defense: Complete review of all come-along techniques.
52 & 53	Water Safety: In pool for entire period. Complete review of all techniques, emphasizing flotation devices.
54	Physical Training: Repeat of hour 12.
55	Self Defense: Complete review of disarming techniques, use of night stick, and all other subjects taught.

HOUR	
56	Water Safety: Discussion, question and answer period.
57	Water Safety: In pool, practice, evaluation and review.
58	Physical Training: Repeat of hour 12 and review of test exercises.
59	Self Defense: Question and answer period. Review of techniques class appears to be weak in.
60	Water Safety: Written examination. Questions, discussion and answers.
61	Water Safety: Practical test in pool.
62 & 63	Physical Training and Self Defense: Warm-up session, followed by tests and ending with officers weighing out.

METROPOLITAN POLICE DEPARTMENT
TRAINING DIVISION

FIREARMS TRAINING SECTION

The Firearms Training Section instructs approximately 800 to 1200 Recruit Officers a year and is responsible for a total of 40 hours of instruction.

The overall and general outline as follows, provides service revolver training and training in other weapons and chemicals used by the Metropolitan Police Department.

FIREARMS TRAINING CURRICULUM

40 HOURS

HOURS	
1	Class orientation of range policies and procedures. Roll call to establish firing rosters.
2-4	Firearms Safety, in general: The recruit is instructed that the firearm was primarily designed to kill and will do so if loaded and the trigger is pulled without regard. At Home: Familiarize everyone in the household as to the safety with the service revolver. On the Range: Instructed to always keep the muzzle of the weapon pointed down range and obey all firing line commands immediately. On the Street: Instructed that when chasing suspects and weapon must be unholstered, never put finger on the trigger unless ready to fire. Never cock weapon while running or searching with weapon in hand. Instruction on safe handling of weapon when unholstered on street, such as, with weapons taken from prisoners. The recruit is instructed to be as conscious as possible as to where the muzzle of the weapon is pointed and keep finger off the trigger. Instructed of officer's responsibility to carry service revolver, when and where.
5	Securing Service Revolver at Home: To prevent unauthorized use or theft.

HOURS	
5 (cont.)	Repair Policy: Familiarize students with Department's gunsmith and its repair policy.
	Service Revolver Nomenclature: Locating various parts of the weapon.
6	Proper Procedure in Loading and Unloading Revolver: Proper hold and procedure in opening cylinder.
	Cocking and Uncocking Revolver: Instruction on the safe manner in lowering the hammer of a cocked weapon on a live round.
7	Basic Revolver Markmanship: Technique in obtaining a proper grip on the weapon, both single-handed and two-handed. How to recognize the proper alignment of sights and the execution of trigger control. Procedure in combining sight alignment and trigger control. Procedure in combining sight alignment and trigger control to deliver an effective shot. Familiarizing the student with the various stances available to him, such as, standing, kneeling, crouching, and R & L barricade.
8-20	Preliminary Revolver Marksmanship Firing: The practical execution of the fundamentals taught in lectures. (See attachment #1)
21-30	Execution of the Practical Pistol Course fired for Qualification and Classification: (See attachment #2)
31	Lectures concerning Safety and Nomenclature of Shotguns.

HOURS	
32-34	Shotgun Firing for Familiarization:
	25 Yards—On command load three rounds into magazine tube. On commence fire, load round into chamber and fire one round at each of the three targets (8 seconds).
	25 Yards—Standing position, on command load two rounds into magazine tube. On commence fire, load round into chamber and fire one round at first and last target (5 seconds)
	25 Yards—Kneeling position, on command, load five rifle slugs into magazine tube. On commence fire, load round into chamber and fire at targets, left to right. (No time limit)
35	Instruction on Safety and Nomenclature of Rifles.
36	Instruction on Chemical Mace.
37-38	Instruction on Use of Gas Masks and Identification and Utilization of Chemical Devices.
39-40	Practical Demonstration of Chemical Devices.

ATTACHMENT #1

Preliminary Course in Basic Pistol Marksmanship

Due to the defensive combat type firing that a police officer would normally become involved in as the result of most police situations, the following basic pistol course is being fired. The basic marksmanship course of the past was geared to competitive shooting and was of little value to the Police Officer when it became necessary for him to use his service revolver.

Following the lectures on basic marksmanship, the familiarization course outlined below will be utilized.

All single and double action firing will be on the B-8 Bulls Eye Target without the black X, 10 and 9 Ring. One point for each hit.

At the beginning of the first string of fire at the 7 yard line for both single and double action, no student will begin firing until he has been individually checked by an instructor and individually told to commence firing. The preliminary course to master fundamentals in basic marksmanship will be conducted with close supervision by the Instructional Staff of the Pistol Range.

Students will be advised that the Line Instructors will determine when they will proceed to the more advanced course of fire.

Preliminary Course of Fire for Fundamental Marksmanship, Single Action, 60 Rounds.

1. 7 Yards—Standing full face to target, strong hand supported single action—12 rounds with no time limit.
2. 15 Yards—Standing full face to target, strong hand supported single action—24 rounds with no time limit.
3. 25 Yards—Standing full face to target, strong hand supported single action—12 rounds with no time limit.
4. 25 Yards—Kneeling strong hand supported, single action 12 rounds with no time limit.

After the student has fired the Single Action Course, he will then fire the following Double Action Course, 60 Rounds.

5. 7 Yards—Standing full face to target, strong hand supported double action—12 rounds with no time limit.
6. 7 Yards—Standing full face to target, strong hand supported double action—12 rounds with no time limit.
7. 7 Yards—Standing full face to target, weak hand unsupported double action—12 rounds with no time limit, then 6 rounds with 25 second time limit.
8. 15 Yards—Standing full face to target, strong hand supported double action—12 rounds with no time limit and then 6 rounds with 25 second time limit.

At this point the Instructor will determine if the individual officer proceeds to the Practical Defensive Combat Course or remains at this stage for further instruction.

ATTACHMENT #2

Metropolitan Police Pistol Range Practical Pistol Course

All firing except where indicated, will begin with the weapon loaded and holstered. The shooting will be standing full face to the target.

Scoring value—one (1) point per hit on B-27 target (silhouette). "X" hits will constitute both the X and the 10 ring area.

Classification—Expert 75-30 X's
Sharpshooter 74-75-29 X's
Marksman 54-73

1. 7 Yards—12 rounds Double Action (D.A.) strong hand supported crouch position—40 seconds.

2. 7 Yards—12 rounds Double Action weak hand unsupported crouch position.

3. 7 Yards—9 rounds Double Action strong hand supported crouch position shooter assumes a standing full face position to target. Weapon is held in left hand in the loading position (cylinder open). On commence fire, the shooter will load and fire three rounds, 25 seconds, 3 strings of 3 rounds.

4. 15 Yards—12 rounds Double Action, strong hand supported, kneeling position, 50 seconds.

5. 15 Yards—12 rounds Double Action, strong hand supported standing full face position, 50 seconds.

6. 2[illegible] Yards—6 rounds Single Action, strong hand supported kneeling position, 25 seconds.

7. 25 Yards—6 rounds Single Action, standing right hand barricade, 40 seconds.

8. 25 Yards—6 rounds Single Action, standing left hand barricade, 40 seconds.

VEHICLE SKILLS SECTION

The Vehicle Skills Section is responsible for a thirty-five course of instruction in vehicle skills techniques, to affirm the new recruit officers' ability to operate a Department vehicle in a proper and professional manner, in order that the incidents of preventable accidents may be reduced as well as enhancing the Department's reputation in its effort to uphold the law, properly serve the community and maintain a safe and respected image.

This thirty-five hour instructional material has been structured into a five day work week schedule containing an eight hour breakdown for each day.

VEHICLE SKILLS TRAINING

35 HOURS

HOURS	
	First Day
1st Hour	Introduction: Consisting of rules and regulations governing the course, explanation of indoor and outdoor courses, requirements to complete the course and expected knowledge to be obtained by same.
2nd Hour	General Traffic Knowledge Test: A test designed to show the student how little he really knows, places him in a receptive frame of mind for forthcoming instruction.
3rd Hour	Department Problems: Consists of an insight into the Department accident frequency rate, police operators attitudes, and discussion when (tour of duty), where (intersections etc.), most Departmental accidents occur.
4th Hour	Lunch
5th 6th 7th & 8th Hour	Skills Courses (Outside) Four driving skills courses using plastic pylons designed to teach precision driving to the new officer.
	Second Day
1st Hour	Vehicle Types and Equipment: Designed to make the new officer aware of the types of vehicles in use within the Department, their function and the equipment within each vehicle and use of same.
2nd Hour	Vehicle Inspection and Maintenance: This block of instruction consists of preventive maintenance and inspection points on the ve-

HOURS	
2nd Hour (cont.)	hicles. Covered are the various places to check, color coding of check points (Dip Stick etc.) and the inspection forms used. Also the function and purpose of the Field Inspection Division is explained.
3rd Hour	Maintenance (Practical): Students during this segment are exposed to an actual vehicle and shown where the various inspection points are located. They are allowed to make the checks and indicate their findings on the vehicle inspection sheets.
4th Hour	Lunch
5th 6th 7th & 8th Hour	Practice the aforementioned outdoor skill courses.

Third Day

1st Hour 2nd Hour	Pursuit and Emergency Runs: Lecture consisting of the accepted techniques of safe pursuit driving and Department Policies concerning the same (G.O. 28, Series 1970). Also outlines the calls classified as emergency, hazards involved while responding, equipment to be used on emergency vehicles and procedures to be used by the officer (G.O. 24 Series 1969).
3rd Hour	Routine and Suspicious Traffic Stops: This lecture outlines policies and procedures to be used in making traffic stops either misdemeanor or felony, removing occupants, etc. Also covered is the order on roadblocks (G.O. 11 Series 1969).
4th Hour	Lunch

HOURS	
5th 6th 7th & 8th Hour	Skills Test (Outside): Actual testing on the outside driving courses to ascertain if the desired expertise has been obtained. Failure to obtain a 75% overall average will result in the student returning to another session of the course to reach the required proficiency. Until that time he will not be certified to operate a departmental vehicle.

Fourth Day

1st & 2nd Hour	Natures Laws: Lecture explaining the natural laws that affect the everyday operation of a motor vehicle, how they affect it, and how to safely control them. Also, explanation of a few of the basic components of the automobile (braking and steering systems). The six basic skids are discussed and how to control them.
3rd Hour	Defensive Driving (Introduction): Answers question, What is defensive driving, what is a defensive driver and what is meant by the terms preventable and non-preventable?" Also defensive driving film "Leave Yourself an Out."
4th Hour	Lunch
5th 6th 7th & 8th Hour	Skid Control Pan (Anacostia Naval Station): This segment of instruction gives each officer an opportunity to see and experience the different types of skids and how to control them. A special vehicle is used equipped with slick (Racing Type) tires on a wet (Jetseal) surface to enable safe controlled skids without the dangers associated with high speeds.

HOURS

Fifth Day

1st Hour — Defensive Driving: This lecture is a detailed explanation of the six accident positions (From National Safety Council Defensive Driving Course) and the proper counter actions to avoid collision. The lecture also covers the causes of accidents and the different types of accidents.

3rd Hour — Written Exam: Test on the lecture material covered in class, departmental orders, policies and procedures governing the operation of departmental vehicles. Again 75% must be obtained. Failure will result in the officer having to return to repeat the course and be retested. Officers will not be certified to operate departmental vehicles until such time as they have shown sufficient knowledge of departmental orders, etc. governing the operation of the same.

4th Hour — Lunch

5th, 6th, 7th & 8th Hour — Emergency Run Course and Traffic Stops: The simulated emergency run course is about 1.2 miles in length and permits the new officer to practice emergency runs under the supervision of an instructor. Special attention is placed on safe speed, steering control, brake control, cornering and successful safe arrival at the destination without incident. Each instructor as an observer indicates to the student his weak points and faults.

The Traffic Stops will be given at the same time as the emergency run course by alternating the officers between two courses. Students are allowed (using departmental vehicles on

HOURS

5th, 6th, 7th & 8th Hour (cont.) — R.F.K. Stadium parking lot) to make simulated traffic stops. Emphasis is place on officer safety, entrance and exit from vehicle, and positioning of the police vehicle in relation to civilian vehicle, and removing occupants from the stopped vehicle.

Psychological tests: In addition to the aforementioned instruction each officer will be given the following examinations:

Eye Examination	—on the Bausch and Lomb Orthorater
Complex Reaction	—on the AAA Complex reaction tester
Simple Reaction	—on the AAA Simple reaction tester
Night Vision	—on the AAA Night Vision tester

Questionable performance will cause the officer to be referred to the Police and Fire Clinic for professional medical evaluation.

The primary purpose of this course of instruction is to affirm the new officer's ability to operate a departmental vehicle in a proper and professional manner, give himself a margin of safety which results from the proper handling of police vehicles, and to enable him to deal with any situation met as a scout car operator in such a way as to bring the best possible reputation to the Department in its efforts to uphold the law and maintain a safe and respected image.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Dr. Mary L. Tenopyr, being first duly sworn, deposes and says:

1. I am employed by the United States Civil Service Commission, 1900 E Street, Washington, D. C., where as a personnel research psychologist, I am acting head of personnel research programs. I am also a consultant to the United States Department of Labor on selection and testing.

2. I have been awarded an A.B. and a M.A. degree from Ohio University, where my major was psychology. I received a Ph.D. degree with specialization in psychological measurement from the University of Southern California.

3. I have spent fourteen years directing personnel research at North American Rockwell. I have served as a paid consultant to the State of California Fair Employment Practice Commission. I have been a full-time member of the faculty at the University of California at Los Angeles. In addition, I have spent several years as a part-time lecturer at the University of Southern California and California State College at Los Angeles. I have taught subject matters such as personnel selection, statistics, and psychological testing.

4. I am the author of numerous publications in the area of psychological measurement. I have written and spoken extensively on the topic of fair employment and testing. I am an editor of *Journal of Applied Psychology*.

5. I am licensed in the State of California as a psychologist. I am a member of international, national, and regional organizations of psychologists. I am listed in *Who's Who of American Women*.

6. My opinions with respect to this affidavit are based upon the following information:

a. Futransky, David L., "Relation of D. C. Police Entrance Test Scores to Recruit School Performance and Job Performance of White and Negro Policemen" (hereinafter referred to as the "Futransky report").

b. The affidavit of Dr. Albert P. Maslow in *Davis et al.* v. *Washington et al.*, Civil Action No. 1086-70 in the United States District Court for the District of Columbia.

c. The affidavit of Dr. Donald J. Schwartz in *Davis et al.* v. *Washington et al.*, Civil Action No. 1086-70 in the United States District Court for the District of Columbia.

d. U.S. Civil Service Commission Test 21.

GENERAL OPINION

7. I am of the opinion that Civil Service Commission Test No. 21 is a rationally valid and racially fair predictor of job performance for Washington, D. C. Metropolitan Police Department (hereinafter referred to as "MPD") policemen.

8. The basis of my opinion regarding the validity and fairness of Test No. 21 are as follows:

Validity

a. The Futransky report shows that for both blacks and whites, scores on Test No. 21 are related

statistically to job performance in D. C. police training. For the first 17 weeks of employment for a D. C. policeman, according to Dr. Maslow's affidavit, the training *is* the job. A policeman cannot progress to other phases of the job, unless he has completed his first assignment, getting through training. Therefore, I equate job performance with training performance.

b. The findings of the Futransky report relative to training are not surprising to me. In fact, it would be an uncommon finding if a verbal ability test like Test No. 21 were not found valid for predicting success in training in which language is used extensively. Throughout the history of industrial psychology, verbal ability tests like Test No. 21 have consistently been found to be useful predictors of success in training based upon the use of words.

c. I suggest that Test No. 21, in this case, is not only statistically valid but is also rationally valid. I base this suggestion on my opinion that the criterion measure of training success, as used by Mr. Futransky, is a criterion which a sensible industrial psychologist would want to predict to promote the efficiency of an organization. Had Mr. Futransky shown the statistical validity of the test for predicting some less reasonable criterion, the validity might not, in my opinion, be said to be rational.

Racial Fairness

When a test is (1) equally valid for two groups, and (2) differences in test performance are reflected in criterion performance, the test may be said to be fair for both groups. As shown by Dr. Schwartz's affidavit, Test No. 21 is equally valid for both black and

white policemen when training success is a criterion. As shown in Dr. Maslow's affidavit, black-white differences in test performance is reflected in similar black-white differences in training performance. It is for these reasons, I have concluded that Test No. 21 is racially fair for selecting D.C. policemen.

TRAINING PERFORMANCE v. JOB PERFORMANCE

9. The distinction Mr. Futransky made between training performance and job performance is, I believe in many respects, artificial. Training takes place all of the time one is on any job. In choosing a point in time at which to get a measure of job performance, the personnel phychologist has something of a dilemma. It is a well established fact in psychology the abilities required to do a job are often different at different periods of time after a person has been on the job. Because it is not technically feasible to do a validity study for a group of employees at all points in time, e.g., every month from employment to retirement, in studying a given job the psychologist usually settles for a criterion measurement at one point in time. He then judges his validity at that point. Whether this criterion measurement is called job performance or training performance is often dependent upon whether a formal training program is involved. Very often criterion measures for jobs involving no classroom training, but considerable on-the-job training, are called job performance measures, but they could just as easily be called training performance. As long as the training is a bona fide job requirement, it is my opinion that it is irrelevant whether one speaks of training performance or job performance; they are conceptually inseparable.

INCONCLUSIVE DATA

10. Although, I through statistical analysis, have ascertained that Mr. Futransky's conclusions relative to

the validity of Test No. 21 for predicting training success are tenable, I feel that the remainder of the Futransky report is inconclusive.

In the first part of his study, Mr. Futransky quite properly used as criteria test results based upon the *first* time the recruits took the training tests. At that point in time all recruits had been treated the same; they had had the same training and no previous testing. However, as Mr. Futransky has reported, recruits who fail the tests are given some extra training and allowed to take the tests over.

11. It is my opinion that differences in work performance measures may vary over a period of time. "On-the-job-performance measures" such as those used in the Futransky study, I believe, are particularly susceptible to change over a period of time.

12. Mr. Futransky's conclusions that Test No. 21 predicted on-the-job performance for white officers but not for black officers, are therefore, in my opinion, highly suspect. The validities he found are influenced to an unknown extent by differential training and differential retesting and criterion problems such as those indicated in paragraph 11.

It is also my opinion, that Mr. Futransky's apparent finding that "training success" was not related to "on-the-job performance" is also influenced to an unknown extent by differential training and retesting and criterion problems. It is noted again that Mr. Futransky's measures of training success were based on the *first* taking of the tests. He reported no measure of final standing in training after some recruits had taken the tests more than once and passed.

CONCLUSION

13. It is my opinion that Test No. 21 is a valid and racially fair instrument for selecting MPD officers. Data from the Futransky report which on the surface appear to contradict this conclusion are, in my opinion, inconclusive.

_____

MARY L. TENOPYR

Subscribed and sworn to before me this —— day of July, 1972, at the City of Washington, District of Columbia.

_____

Notary Public

My Commission expires _____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Dr. Donald J. Schwartz, first being duly sworn, deposes and says:

1. I am a Personnel Research Psychologist employed by the Personnel Measurement Research and Development Center, U. S. Civil Service Commission in Washington, D. C. My duties include designing and conducting basic and applied research in problems of personnel measurement as applied to personnel selection and evaluation situations. Most of my experience has been involved with written tests used for personnel and educational selection.

2. My educational qualifications include a B. A. degree from the University of California, Los Angeles; a M. A. degree from California State College, Los Angeles; and a Doctor of Philosophy degree from the University of Southern California. All of these degrees are in the field of psychology. My specialty in the doctoral program was in psychological measurement.

3. I am a member of the American Psychological Association. I have been in my present position since 1969. Prior to this time I was employed by the Educational Testing Service as a Statistical Associate for approximately 2½ years and by the County of Los Angeles Personnel Department as a Personnel Analyst for approximately 6½ years. My duties with the County of Los Angeles included the development, statistical analysis, validation, and research for tests of mental ability and general achievement used for personnel selection.

4. My opinions in this affidavit are based upon the report by David L. Futransky titled "relation of D. C. Police Entrance Test Scores to Recruit School Performance and Job Performance of White and Negro Policemen", hereinafter designated the "Futransky report"; upon a memorandum from Albert Maslow to the File; and upon conversations with Mr. Futransky. These opinions are my own and not necessarily those of the Commission or of any other employee.

5. It is my opinion that Test 21 has been professionally validated, i.e., shown to be job-related because by a criterion-related validity study, the Government has shown that Test 21 has a significant positive correlation with success in the Metropolitan Police Department of the District of Columbia (hereinafter "MPD") Recruit School for both blacks and whites. This opinion is based on the above mentioned sources only; further or more conclusive evidence might alter my views.

6. The findings expressed by the Futransky report are as follows:

1. Scores on Test 21 (40 and above) show a reasonably high relationship to performance in Recruit School for both the white and Negro appointees.
2. For the white officers, Test 21 (40 and above) to an appreciable extent predicts job performance as measured by supervisory ratings, negative behavior incidents or evidences of positive performance.
3. For the Negro officers, Test 21 (40 and above) does not predict differences in on-the-job performance.
4. For white officers, performance in Recruit School has a positive relationship to job performance.

This relationship does not hold for the Negro officers.

5. Practically no white officers receive less than an adequate job performance rating. This percentage is higher for the Negro group.

6. For all appointees, failure to complete Recruit School is, for all practical purposes, non-existent.

In my opinion, Finding 1 is justified by the data presented. Findings 2, 3, 4 and 5 are not justified as stated by the data presented, although more cautious interpretations of the data might be justified. There is no data presented to support Finding 6, but this finding is stated in the body of the report as the apparent policy of the department. Consequently, the data are not sufficiently complete to determine whether Test 21 does or does not predict post training job performance.

7. Finding 1 is supported by correlation coefficients between test scores for the selected group and performance in Recruit School, defined as the average of test scores in eight subject matter areas covered in the training. There is sufficient data presented to test the sigsificance of these relationships. I have done so, and I have found that the possibility that these correlation coefficients could have arisen by chance and that there is in fact no relationship between test scores and recruit school averages for either group is very remote. I have also found that the difference in validity coefficients between the White and Black officers is not statistically significant; that is, it is highly likely that this difference could have arisen by chance. Further, the fact that correlation coefficients were given makes it possible to estimate what the relationship between the test and performance in Recruit School would have been had the test not been used for selection, assuming that this relationship is the

same for both the selected and unselected segments of the population.

8. Findings 2, 3 and 4 are not, to my knowledge, based on similarly derived correlation coefficients. Instead, they are based on an arbitrary division of the test scores into either two or three groups and an arbitrary division of each of the criterion measures into two groups. All individuals within each group are assumed to be identical; that is, there is no distinction between an individual who receives a Test 21 score of 50 and an individual who receives a test score of 80 or between an individual who receives a performance evaluation rating of "effective" or "competent" (0) and an individual who receives a performance rating of "unsatisfactory" (-4). While this type of analysis may be helpful in some situations, it cannot be used to arrive at the same type of conclusions as in Finding 1. For example, one cannot test the difference between validity coefficients for different racial groups. It would also be impossible using this method to determine what the relationship between test scores and job performance ratings would be for a group that was not selected by this test. Consequently, the data are not sufficiently complete to determine whether Test 21 does or does not predict job performance ratings in an unselected group.

9. The criterion used to support Finding 1 appears to be objective, based on uniform treatment of all individuals, and relevant to the job to which the selected individuals are first assigned—namely, successful completion of Recruit School. I would have some reservations about this criterion if the Recruit School Average was based on differential periods of training. I have, however, read a memorandum from A. P. Maslow to the File, dated January 4, 1971, which states that this Average is based on the first taking of the test only. Assuming this to be factual, I have no reservations about the use of this cri-

terion based on the data given. Findings 2, 3, and 4 are based on ratings of job performance, on reports of negative performance which are probably determined in large part by ratings of job performance, and on incidents indicating positive performance. In my opinion, the use of these criteria tend to place the findings in question. The Futransky report refers to the relationship between test scores and job performance. It is important to keep in mind that the criterion is *ratings* of job performance, not job performance itself. Ratings may not be adequate indices of job performance. As Professor Lee J. Cronbach, a well-known reputable authority on psychological testing, says (Cronbach, L.J., *Essentials of Psychological Testing* (3rd ed.), New York; Harper & Row, 1970, p. 127):

> A common type of criterion is the rating or grade . . . Industrial predictors are validated against ratings by supervisors. These ratings are not entirely satisfactory as criteria. The judge may not know the facts about the person. Often a rating reflects the personal relation between man and supervisor rather than the quality of the man's work. When a test fails to predict a rating, it is hard to say whether this is the fault of the test or of the rating.

Further objections to these criteria are that they are not objective and not based on uniform treatment of all individuals. While these objections may not rule out their use in a validity study if they were the best measures available, it would be dangerous, in my opinion, to equate these ratings of job performance with actual job performance, as was implied in the study.

10. Finding 5 appears to be based solely on those officers still employed by the Department. Since officers with less than adequate performance ratings probably would tend to leave the Department, these data should be considered also. Table 2 shows that, including officers

that resigned, a total of 5 White officers and 9 Black officers had less than adequate performance ratings.

11. If I were to summarize the findings on the basis of the data given, and only on that basis, I would revise them to be the following:

(1) Scores on Test 21 (40 and above) show a reasonably high relationship to performance in Recruit School for both White and Black appointees. The difference between this relationship for white appointees and for black appointees is not statistically significant.

(2) There is insufficient data to determine the relationship between job performance after completion of Recruit School and scores on Test 21. To determine such a relationship, it will be necessary to (a) select better criterion measures; (b) conduct the study under more controlled conditions; and (c) use correlational techniques similar to those used to determine the relationship in Finding 1.

(3) There is insufficient data to determine the relationship between performance in Recruit School and job performance.

12. It is my opinion, therefore, that Test 21 has a significant positive correlation with success in the MPD Recruit School for both Blacks and whites and is therefore shown to be job related under the definition of Paragraph 5. The data concerning the observed relationship between test scores and ratings of job performance are inconclusive and therefore do not alter my opinion.

DONALD J. SCHWARTZ

Subscribed and sworn to before me this —— day of July, 1972, at the City of Washington, District of Columbia

Notary Public

My Commission expires ——————

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Diane E. Wilson, first being duly sworn, deposes and says:

1. I am employed as a Personnel Research Psychologist in the Personnel Measurement Research and Development Center, U.S. Civil Service Commission in Washington, D.C. My duties include conducting applied research to select and evaluate written tests used by the Civil Service Commission in specific examining programs. I have been in my present position since 1966.

2. I am fully acquainted with U.S. Civil Service Commission Test 21 used in the examining program for selecting officers in the District of Columbia Metropolitan Police Department (hereinafter "MPD"). I also have knowledge of the curriculum and training materials used in the recruit training school of the MPD.

3. It is my opinion that (1) successful completion of recruit school training requires a relatively high level of verbal ability (that is, ability to read and understand written language in terms of interpretation of reading passages, vocabulary, etc.); and that (2) the level of verbal ability measured by Test 21 is, at most, no higher than that required for successful completion of recruit school training as determined by the final grade average attained by the recruit.

4. I have formed my opinion based upon a review of the written materials distributed to recruits as study materials and upon my knowledge of the content of Test

21. I performed the review of the training materials in the fall of 1969 as part of a study of the validity of Test 21 as used in the U.S. Civil Service Commission examining program for the MPD.

5. It is my understanding that these training materials have changed very little since 1969. Examples of some of the materials currently being used in the recruit school are attached, including:

1. The Law of Arrest, Search and Seizure
2. The Rules of Evidence
3. District of Columbia Code—Criminal Law and Procedure
4. Alcoholic Beverage Control Act
5. Police Regulations and Traffic and Motor Vehicle Regulations

The final examinations covering the above subjects account for approximately 50 percent of the final grade average in training.

6. A review of the above materials demonstrates that the recruit must have the verbal ability to read and understand rather complex, legalistic language. It is my opinion that there is a direct and rational relationship between the content and difficulty of Test 21 and successful completion of recruit school training.

_____

Diane E. Wilson

Subscribed and sworn to before me this —— day of July, 1972, at the City of Washington, District of Columbia

_____

Notary Public

My Commission expires _____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Dr. Albert P. Maslow, first being duly sworn, deposes and says:

1. I am the Chief of Personnel Measurement Research and Development Center, U.S. Civil Service Commission in Washington, D.C. My duties include directing the staff of the Civil Service Commission engaged in the development of written tests used in filling positions in the competitive services.

2. I am a member of the American Psychological Association, a member of the Executive Council of the Public Personnel Association, and a part time professor at the George Washington University. I have been in my present position since 1958. I am a member of the management committee responsible for directing a major study of the question of test performance and job performance of majority and minority groups, which is being conducted as a joint effort of the Civil Service Commission and Educational Testing Service and supported by the Ford Foundation. I have a Doctor of Philosophy degree from the University of Maryland in psychology.

3. I am fully acquainted with Test 21 of the United States Civil Service Commission's series Nos. 15(b), 121 and 173 and the examination for promotion in the Metropolitan Police Department of the District of Columbia (hereinafter "MPD"): uniformed sergeant, series 30, October 1965, and for sergeant and detective sergeant, series 31, October 1967, and series 32, June 1969

(hereinafter "Promotion Test"). Test 21 is the test used in recruiting officers for the MPD and will be referred to as "entrance test".

Police Entrance Test

4. I have formed the following opinion: (1) that by a validity study employing generally accepted procedures for determining criterion related validity in accord with those described in "Standards for Educational and Psychological Tests and Manuals" published by the American Psychological Association, the entrance test is valid for both Negroes and whites for predicting academic success in the MPD Recruit School; (2) that success in training is a useful, reasonable and generally acceptable criterion to predict; and (3) that according to criteria that are generally acceptable to professional psychologists who use validity studies to show whether tests do not discriminate against minority groups, the entrance test does not discriminate against applicants for employment because they are Negroes or whites.

5. I reached my opinion on the basis of a criterion related validity study done by the Civil Service Commission in 1967.

6. Part of the study was reported in *Relation of D.C. Police Entrance Test Scores to Recruit School Performance of White and Negro Policemen* by David L. Futransky, November, 1967 (hereinafter "Futransky Paper"). The detailed statistical data from this study are reported in paragraph eight below. Detailed statistical data were not reported in the Futransky paper since it was intended for administrative officers.

7. The criteria used by professional psychologists who use validity studies to show whether tests discriminate against minority groups are exemplified by those stated in *Testing and Fair Employment*, by Kirkpatrick, J. J.,

Ewen, R. B., Barrett, R. S., and Katzell, R. S., New York, New York University Press, 1968 (at pp. 6-7):

> "—Unfair discrimination exists when persons with equal probabilities of success on the job have unequal probabilities of being hired for the job.
>
> "—Thus, a test may be considered to be unfairly discriminatory against members of a minority group only if the minority group members obtain significantly lower test scores than nonminority applicants *and* the minority applicants would in fact be as successful as the nonminority applicants. . . .
>
> "—Unfair discrimination between ethnic groups cannot be inferred from evidence of differences in validity alone; mean job criterion performance must also be considered. *If, for example, a test is quite valid for both whites and Negroes, and Negroes obtain lower mean test scores, the test will not be unfairly discriminatory if Negroes also obtain proportionately lower criterion scores. . . .*" (Underlining added)

8. The study shows by direct data that the entrance test meets the criteria exemplified in paragraph 7. These direct data concern statistical tests of the differences between the average scores on the entrance test and the recruit school academic averages for Negroes and whites, of the differences in the ranges (standard deviations) of scores, and of the validities (correlations between test and recruit school academic average). These data are presented below:

	Negro N=71	White N=242	Statistical Significance of the Differences
Entrance Test			
Average Score	51.26	57.21	Significant ($p<.001$)
Standard Deviation	7.95	8.79	*Not* Signif. ($p>.20$)
Recruit School			
Academic Average	85.53	88.34	Significant ($p<.001$)
Standard Deviation	4.61	4.65	*Not* Signif. ($p>.90$)
Correlation (Pearson Product—Moment—not corrected for restriction in range on either measure)	.39($p<.01$)	.46($p<.01$)	*Not* Signif. ($p>.40$)

The above data clearly support the following conclusions: With respect to the spread of scores of Negroes and whites on both the entrance test and academic school averages, the spread (expressed statistically as the standard deviation) for both Negroes and whites is the same. The small differences in these samples are no greater than could be expected to arise purely by chance according to commonly accepted statistical standards.

With respect to the index of validity (the correlations between test and school average) the differences reported in the table for these samples again are no greater than could have been expected to arise by chance, according to statistical standards. With regard to the averages of the test and recruit school record, however, the differences between whites and Negroes on both measures

are statistically significant. In both cases, the averages for Negroes were below the averages for whites. Furthermore, the differences between the Negroes and whites average scores on the entrance test are quite in proportion to the Negro-white differences in the recruit school academic averages. This condition is the situation described above in the underlined section of the quotation in paragraph 7 above.

I conclude that insofar as these standard analyses are concerned, the test is quite valid for both whites and Negroes, and since the differences on tests and criterion are proportionate, the test does not discriminate against applicants because they are Negroes or whites when used for the purpose for which it has been prepared.

9. I am aware that there are other statistical measures that are applied in research studies of the differences in test and criterion performance between Negroes and whites. It is my opinion that such further tests are not likely to throw additional light on the underlying causes of the clear-cut systematic differences between test performance and academic performance of Negroes and whites that face us here.

10. There is indirect support that Test 21 does not discriminate against applicants because they are Negroes. The racial composition of the uniform force of the Police Department over the past five years is more related to the nature of recruitment efforts than to the impact of the test. Test 21 has been used for many years, and a score of 40 right has been the required passing standard for approximately 20 years. The overall proportion of applicants passing this test has remained fairly stable at about 60 percent over the years for applicants who had at least a high school education or its equivalent.

Nevertheless, in the past five years, because of changes in recruiting policies and practices, and the increasing

concentration of Negroes in the Metropolitan Area which is the primary labor market for these jobs, there has been a dramatic increase in the representation of Negroes in the Police Department, *without any change in the test content or passing point.* The table below summarizes the racial composition, as reported by the Metropolitan Police Department:

	Total Force	Negroes	Negro Percent	Change in Total Force	Negro Gain
12/31/65	2883	507	17.5		
12/31/66	2785	529	18.9	−98	+22
12/31/67	2721	559	25.4	−64	+30
12/31/68	3252	902	27.7	+531	+343
12/31/69	3908	1265	32.1	+656	+363
12/31/70	5023	1836	36.5	+1115	+571

Negroes increased in number and percentage even between 1965 and 1967 when the total force *decreased.* Furthermore, from 1967 to date, the white segment of the force increased by 47%, the Negro by 228%. I conclude from this that if Test 21 were discriminatory, the MPD would not have been able to make such remarkable gains in the percentage and numbers of Negroes by merely changing its recruitment policies.

11. Success in training is a useful, reasonable and generally acceptable criterion for the entrance test to attempt to predict. The sole 'job' of the recruit is to master the training course, now of 17 weeks' duration, which is designed to equip him with the knowledges, skills, and attitudes required for effective police work. Verbal ability, among others, is a critical factor in training success. Since there is no requirement for previous police experience, and since mastery of the training program is required, the test is purposely directed at providing an estimate as to whether the applicant has the ability to

absorb academic training. For example, Police Academy courses for recruits include:

—Police regulations

—Police manual

—Traffic regulations

—ABC regulations

—First aid

—Laws of arrest

—Rules of evidence

—D.C. code

—Juvenile delinquency

It is quite common both in industry, government, and education to make use of general learning ability tests of this kind to help ensure that persons admitted to academic training leading to responsible careers in law enforcement and other professions have the ability to master the training. Such tests have been validated against measures of academic achievement.

Further evidence as to the importance of the police recruit training program is found in the report of the President's Commission on Crime in the District of Columbia (U.S. Government Printing Office, 1966). This report states in part (p. 162), "The Commission recognizes the importance of high standards for police officers and the fact that some police departments presently are more selective than is the Metropolitan Police Department. As a goal to be achieved in the next five years, the Commission recommends that the Department aim at a requirement of academic achievement beyond a high school education."

Further (p. 174), "Training 'is one of the most important means for upgrading the services of a police

department.' The intensity and relevance of the training provided recruits, supervisors, and executives provide a significant measure of the Department's effectiveness, its receptivity to change, and the quality of its leadership . . ."

"The fresh recruit often knows little or nothing of his potential authority, the laws or the customs of the community whose welfare he is to ensure, or the myriad mechanical aspects of policing a city. Moreover, his attitude toward the job awaiting him may be uncertain, and perhaps misguided. He must be trained and conditioned to his important task. The Police Academy and Training Section of the Metropolitan Police Department attempts to fulfill this difficult assignment through an indoctrination course of two weeks and a basic recruit training course of 13 weeks." (now 17 weeks overall).

Substantial economic and human loss could occur if unqualified applicants were to enter the MPD and its Recruit School and qualified applicants were rejected.

12. The position that success in training is a reasonable and generally acceptable criterion to measure effectiveness of Test 21 is supported by the authors of the book noted in paragraph 7. The following are, in substance, examples of their use of this type of criterion:

—In their study #3 (p. 71) the research dealt with trainees in programs for building maintenance and repair work, and for heavy vehicle driving. The training program lasted three months. The criteria included (a) graduation vs. termination from the training program, (b) scores on performance tasks in the training program, and (c) paper and pencil proficiency or achievement test scores.

—Their study #4 (p. 95) dealt with white and Negro nursing school students. The criteria consisted of (a) scores on the state licensing examination,

(b) classroom and clinical ratings, and (c) termination vs. completion of the training program.

13. Although in the 1967 study training school success was clearly stated as the primary criterion of the entrance test, we did explore and report the relationship between the entrance test scores and various measures of job performance. We were fully aware of the great difficulties in finding relevant and dependable measures. Furthermore, actual working conditions may not permit the supervisor to get first-hand knowledge of how the officer is behaving.

In my opinion, the same prediction test cannot reasonably be expected to be equally effective in predicting different performances; on the one hand, success in training, and on the other, subsequent success on the job, where the training program is designed to make a significant change in the skills, knowledges, and attitudes of the applicant. The policeman's behavior on the job depends not only in part on what he has learned in the training program, but also on many other factors in the situation, such as the nature of his assignment, the kind of supervision he has, and many unpredictable events in the community in which he is assigned. Thus, there is no feasible way, *before* entry into training, to measure accurately the probable behavior of a trained policeman in future situations which are difficult to anticipate at the time of selection for training. Furthermore, since applicants who do not meet recruit school standards will not become policemen, we believe it is completely reasonable to aim the selection test directly at applicants in terms of likelihood to succeed in recruit school.

14. Because of the changes in the police force and the Academy curriculum since the 1967 study, we have under way a current study to recheck the 1967 data and to try out different forms of test questions based on

detailed analysis of the recruit school academic program. I expect this study to be completed and any desirable changes in the test to be prepared and printed in the latter half of 1971.

Police Promotion Test for Sergeant

15. I have formed the opinion that the promotion test is an appropriate professionally constructed and valid measure for its purpose, to measure the required job knowledge as specified by the MPD, and accordingly does not discriminate against candidates for promotion to the position of sergeant in the MPD because they are Negroes or whites.

16. I have formed this opinion because the test was validated by content by a process that conforms completely to the standards for 'content validity' stated in "Standards for Educational and Psychological Tests and Manuals," American Psychological Association, Washington, D.C., 1966, paragraph C, pp. 12-13.

17. The validation process was as follows:

First of all, promotion from policeman to uniform sergeant is based on a combination of measures to insure a well-rounded evaluation of the officer. As specified in Special Order No. 7-A, April 1, 1969, of the MPD (or similar orders for earlier promotion tests) all applicants for sergeant must have had three years continuous experience and are evaluated by two methods: the first is a rating of their experience and fitness by the Department; the second is a written test of practical questions, designed "to test the candidates' knowledge, understanding, and application of laws and regulations and procedures under which members of the Police Department operate, as in effect on May 1, 1969." This Order specified in exact detail the books, regulations and general orders that an effective sergeant is required to know

and apply. In addition, the Order stated that some questions may also be 'on typical police problems and emergencies on which instructional books cannot be provided.'

The procedures for development of the test were designed to insure that the questions finally used were relevant and representative of the required knowledges and abilities as specified in the Special Order. Every question in the test was prepared, reviewed, and cleared for final use by senior officers of the Department. In addition, a statistical procedure known as 'item analysis' and a review of appeals on any question made by any candidate were included in the total validation process before final ratings were issued.

The detailed procedure for preparing the 1969 test was:

a. The Chief of Police selected four high-ranking officials (Inspector and above) to form the Metropolitan Police Department Civil Service Advisory Board, which determined what specific job knowledges and behaviors should be sampled by test questions.

b. The Department designated five senior officers (Captain and above) to serve as a test construction committee to prepare the test questions under the supervision of the Civil Service Commission's staff. The members of this committee (including Negroes) were chosen to provide expertise in all important areas of police work, and usually one or more of the members had had experience in preparing previous promotion tests.

c. The committee members were first trained by the CSC staff in principles of writing test questions, with particular emphasis on the use of appropriate language, clarity of writing, and the determination of the relevance of a question to the job. The officials were given written guides for constructing questions, and all questions were thoroughly reviewed by the CSC staff for clarity, format,

and language. In addition to the intensive training of the committee members, the CSC staff gave training in the drafting of test questions to *all* officers of the Department with the rank of Captain or above. The purpose of this general training was that all such officers were required to prepare rough drafts of questions for consideration by the test construction committee. This step was intended to broaden the representative nature of the test material by drawing on the experience of the entire senior force.

d. The test construction committee reviewed, rewrote, and checked the rough draft questions submitted by the senior force, and systematically evaluated every question as to its importance and as to the soundness of the answer key. The test construction committee selected the most appropriate questions of these and sent them together with the questions the committee itself had prepared, to the MPD advisory board for review. Throughout this process the CSC test specialists worked directly with the test construction committee, giving continuous advice and guidance in proper test construction practices.

e. The four members of the MPD Advisory Board independently reviewed each question for accuracy of the correct answer, including verification of the rules, regulations, or other references on which the questions were based and, in the case of judgment questions, the soundness of the correct answers in the light of established Department policies and practices. In addition, the Board made a determination as to the relevance and importance of each question and decided whether the question was suitable for inclusion in the test. Finally, two members of the Advisory Board, after additional instructions on relevance, materiality, and other factors, rated every suitable question in terms of its relevance, importance, and difficulty as a basis for selecting the final group of items to be printed in the test. The CSC staff, using these decisions, then assembled the final test, and thus completed a five-month test construction effort.

f. After the test had been administered, but *before* final ratings were given, the standard statistical procedure of item analysis was conducted. In this procedure, the responses of all competitors to every question were examined to see whether any question might have been ambiguous to the candidates or otherwise subject to possible modification of the answer key. The CSC staff referred to the Advisory Board all questions with questionable statistics and the Advisory Board made changes in the answer key for 3 questions out of the total 140 questions in the test.

g. Again, *before* final rating, every competitor was advised by the Police Department of his opportunity to review a test copy and an answer key and to file an appeal with the CSC on any question. Thirty-one competitors filed appeals on 1 or more questions. These appeals were reviewed by the MPD Advisory Board and 4 were granted. The changes in the answer key reflecting these decisions were carried into the final ratings for all competitors.

The procedure for preparing the 1965 and the 1967 tests was generally the same.

18. It is my opinion that the questions may involve verbal ability, and especially reading ability, because these are critical factors in mastering the job knowledge being tested.

It is my further opinion that the MPD has over the years assigned to this important task senior officers who know police work, who know practical situations, and who know what is acceptable behavior in the Police Department. It seems quite clear that a test constructed so carefully and based on thorough job studies is adequately justified on the basis of content validity. Fur-

thermore, since the basis for the promotion test is fully and minutely described in the Department's Special Order, all candidates for promotion, regardless of race or other factors, are properly expected to master the material required for satisfactory performance as a sergeant.

/s/ Albert P. Masiow

Subscribed and sworn to before me this 19th day of January 1971, at the City of Washington, District of Columbia

/s/ Violet Z. Dee

My Commission expires Feb. 29, 1972

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Dr. David M. Nolan, first being duly sworn, deposes and says:

1. I am the Director of the Washington, D.C. Office of Educational Testing Service (ETS). ETS is a not for profit educational institution with main offices in Princeton, New Jersey. It is most noted for the conduct of major testing programs such as the Law School Admission Tests, the College Entrance Examination Board Examinations, the Graduate Record Examinations, the Admissions Test for Graduate Study in Business and many others. Prior to my present position I served as Assistant to the Executive Vice President of ETS, the Director of College Board Guidance Services and taught in the Department of Educational Psychology at Michigan State University.

2. I am a member of the American Psychological Association and am a former director of the National Council on Measurement in Education. I have recently been involved in the conduct of a major study of test performance and job performance in several federal agencies. The study is supported by the Ford Foundation.

3. I have reviewed forms of Test No. 21 of the United States Civil Service Commission, an Affidavit written by Dr. Albert P. Maslow on the subject, a copy of a 1967 study entitled Relation of D.C. Police Entrance Test Scores to Recruit School Performance and Job Performance of White and Negro Policemen by David L.

Futransky, copies of Examination For Promotion in the Metropolitan Police Department of the District of Columbia series 30, 31 and 32.

4. Test No. 21 is a straightforward test of verbal ability. It consists of vocabulary, reading comprehension, interpretation of reading passages and general information items. It should be useful as are other similar tests in predicting achievement in an academic endeavor. Dr. Maslow's affidavit and the Futransky study show this to be the case. Correlations with Recruit School Achievement as reported by Maslow of .39 and .46 respectively for Blacks and Whites are quite acceptable as indications that the test is valid for its intended purpose. This is particularly true in the given situation of restricted ranges in both the predictor variable and the criterion variable. In other words, the correlation would be higher if the recruit school grades weren't all 70% or higher and if the entering training group hadn't been restricted on the basis of academic achievement and academic skills. It should be noted of course that without such a restriction the number of failures in training would increase. The reliability coefficient of approximately .77 is sufficiently high to establish the test as reliable.

5. Maslow reports that he conducted a test of significance of the difference in the correlation between Blacks and Whites and that the difference was not found to be significant. In other words, there is nothing in the data to show that the test is any less valid a predictor for Blacks than it is for Whites.

6. Thus, using a conclusion (which I support) of Kirkpatric et al. in the 1968 study *Testing and Fair Employment* supported by the Ford Foundation: "Thus, regardless of the validity of a test, unfair discrimination will occur only if the predicted criterion scores of one

ethnic group are lower than their actual criterion scores." It is my opinion that Test No. 21 does not discriminate against applicants because they are Black or White. Further support of this opinion is found in the data showing the increasing numbers and percentages of Blacks in the Police Department while the test requirement has remained the same. The substantial increases seem to show that the test requirement is not unfairly restrictive for Blacks wishing to enter the Police Force. In fact, its use may actually provide a greater opportunity for Blacks than purely subjective criteria for entrance as has been the case for entrance to higher education institutions employing similar objective entrance examinations.

7. To use as an entrance requirement to police training a device that predicts how well candidates will perform in that training is a perfectly reasonable and justifiable procedure with many precedents. Practically all professional training (Law, Medicine, Architecture, Psychology, Business, Science, etc.) follow just such a procedure. Many scholarships (Merit Scholarships) and Fellowships (National Science Foundation) are granted using as part of the criteria a test that predicts performance in training. The armed forces have long used tests validated by training performance to select and place men in many of the training programs and military occupations. As long as the tests are not discriminatory and the evidence is that Test No. 21 is not, their use to predict performance in training is a useful and valuable technique in the selection of trainees.

8. The promotional examinations, Series 30, 31 and 32 are based on laws governing Police procedures, internal Police Department Regulations, and common practice of Police Officers. The questions are taken from available materials all of which are announced to interested candidates in *Special Order No. 7-A*, series 1969.

These materials are the laws, regulations, rules and written procedures that govern the activities of police officers. In addition some questions are included that cover "typical police problems and emergencies on which instructional books cannot be provided." The question in the tests are written and reviewed by senior police officers of the Metropolitan Police Department. These officers use their judgement based on experience to decide what the emphasis will be in the test, what questions will be included and what the correct answers are. This procedure provides content validity to the test and is in accord with the *Standards For Educational and Psychological Tests and Manuals* published by the American Psychological Association. It is my opinion that this procedure is a completely justifiable one for assuring that the candidates for promotion understand the rules and regulations of their work and that the promotion test does not discriminate against candidates for promotion because they are either Blacks or Whites. The reliability coefficients ranging from .76 to .90 are sufficiently high as to present no problems regarding consistency of measurement. There can be no argument that these rules and regulations are not part of the job and thus are irrelevant to the decision to promote. On the contrary the tests involved have such a high face and content validity that not to test candidates for promotion on them or something very like them would be cause for concern.

/s/ David M. Nolan

Subscribed and sworn to before me this 1st day of February, 1971, at the City of Washington, District of Columbia

/s/ Jerry F. Fryer

My Commission expires April 23, 1972

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Title omitted in printing]

[Filed July 18, 1972]

AFFIDAVIT

Dr. William A. Owens first being duly sworn, deposes and says:

1. I am the Director of the Institute for Behavioral Research, University of Georgia, Athens, Georgia. In this capacity I am concerned with the planning and conduct of socially relevant, interdisciplinary research, much of which involves testing. The views herein expressed are my own and do not necessarily coincide with those of The Institute or the University of Georgia.

2. I am the author of three published tests, and for nearly 30 years have both taught and done research in areas of psychology relevant to measurement. I have served as a consultant on matters pertaining to testing for such firms as Xerox, Picklands Mather, Standard Oil of Indiana, Standard Oil (New Jersey), Abbott Laboratories, Clark Equipment, Dow Chemical, et al. I have served on the Council of Representatives of the American Psychological Association, am the immediate Past-President of the Division on Industrial and Organizational Psychology, and am listed in the usual national and international directories of scientists.

3. I have examined *Test 21* of the United States Civil Service Commission, Series No. 15 (b), June 1962, Series No. 173, February 1970, and Series No. 121, February 1970. I have reviewed *Examination for Promotion in the Metropolitan Police Department of the District of Columbia*: Uniform Sergeant, Series 30, October 1965,

and for Sergeant and Detective Sergeant, Series 31, October 1967, and Series 32, June 1969. I have also reviewed *Relation of D. C. Police Entrance Test Scores to Recruit School Performance of White and Negro Policemen* by David L. Futransky, November 1967, and the affidavit of Dr. Albert P. Maslow.

4. In my opinion, if it is regarded as a measure of *trainability*, Test 21 does not discriminate against candidates for employment because they are Negro or white. Similarly, the Examination(s) for Promotion appear to involve job content and to have clear job relevance; they are, thus, not likely to discriminate against candidates for promotion because they are Negro or white. My opinions, in both instances, are based upon the documents listed. Further or more conclusive evidence might alter my views.

5. In an outstanding monograph on "The Validity of Occupational Aptitude Tests," Dr. E. E. Ghisilli has indicated that criteria of test validity are of two sorts: (1) those which indicate "trainability" *for* the job, and (2) those which indicate ultimate proficiency *on* it. There is no reason to believe that a test designed to predict the former will also, or necessarily, predict the latter. For both Negro and white applicants, Test 21 bears a clear and apparent relationship to Recruit School Average. Dr. Maslow's affidavit (p. 3) indicates that it is, within error limits, as good a predictor of this average for blacks as for whites. In addition, the test scores and the academic grades of blacks are below those of whites by equivalent amounts. These are the chief requirements for establishing an absence of bias.

6. The Futransky paper could not answer the question of how people who scored below 40 would perform in the Recruit School. Although a statistical problem of "restriction in range" exists, if the lowest scorers on Test

21 *were* present to obtain a Recruit School average, it is my opinion that they would tend to score at the bottom of the distribution and to obtain, hypothetically, failing grades.

7. As a measure of ultimate job performance or proficiency, Test 21 appears to predict positively for whites, but near zero for blacks. The meaning of such a result should, however, be evaluated with caution since the criterion is the average rating of one judge on 9 traits, is of unknown reliability and is probably based upon little direct observation of typical job behavior. In short, the criterion of Recruit School Average is very likely substantially superior, as a criterion, to the criterion of job performance.

8. Both Dr. Ghiselli's work and commonly accepted practice argue that the test-wise prediction of trainability is a highly acceptable measurement objective. An ultimate criterion is often unknown, unobtainable, or so deficient in job relevance as to lack real utility. For example, professional aptitude tests for law, medicine, et al., are validated against success in training. Indeed, enlightened opinion would argue that, *within* a given profession, the highest scorers should not necessarily be expected to make the most money, obtain the greatest satisfactions, or become the most visible.

9. All-in-all, on the one hand, Test 21 does seem to be a fair and unbiased predictor of "trainability" as evidenced by its relationship to Recruit School Average. Insofar as "trainability" is concerned, it is my opinion that the documents presented do indicate the "criterion validity" of Test 21, in the usual sense and as enunciated by the American Psychological Association in their "Standards for Educational and Psychological Tests and Manuals." On the other hand, this study also seems to indicate that there is no correlation between Test 21 and

rated job performance for the Negro officer. This, of course, is not a concern if Test 21 is not used as a predictor of job performance or proficiency.

10. Since the Futransky paper did not cover the examinations for promotion to Uniform Sergeant, Sergeant or Detective Sergeant, my impressions are based solely upon an examination of the test content, and the affidavit of Dr. Maslow. According to customary professional standards a test may be said to have "content validity" if the tasks required constitute a reasonably representative sampling of job content. Dr. Maslow's affidavit (pp. 8, 9, 10 and 11) clearly indicates that the promotions examinations were constructed by a procedure which strongly argues that they *do* possess such content validity. It is my definite impression that the job done in this instance would conform fully with standards enunciated by the American Psychological Association in their "Standards for Educational and Psychological Tests and Manuals." It is, of course, true that knowledge of the sort measured is a necessary but not a sufficient condition for satisfactory performance. One cannot do what he does not know enough to do; on the other hand, he may sometimes know and not do. The danger that use of the promotions examinations might result in an overstress on sheer knowledge is rather well offset in the present instance by the fact that ratings of fitness and experience are used in conjunction with test scores.

/s/ William A. Owens
WILLIAM A. OWENS

Signed and sworn to before me, this 18 day of Jan. 1971.

/s/ Joan Bond
Notary Public, Madison County, Georgia

My Commission Expires Sept. 27, 1971

Series No. 15(b) Test No. 21
June 1962

Write your
Identification
Number here _____

UNITED STATES
CIVIL SERVICE COMMISSION

The time allowance will be announced by the examiner.

Write your identification number in the appropriate space at the top of this page and on the answer sheet. Fill in the other identifying blanks on the answer sheet. Place no other identifying marks on your answer sheet or on the test booklet.

The questions in this test need not be taken up in order. Answer first those that you can answer without any delay. Then use the remainder of the time on the questions you have passed over.

For each question, select the BEST ANSWER, and blacken the space on the answer sheet that bears the same letter as the answer.

1. INCOMPLETE means most nearly
   A) intact
   B) significant
   C) unfinished
   D) altered
   E) trivial

2. APPLE is related to SEED as PEACH is related to
   A) plum
   B) core
   C) pit
   D) tree
   E) skin

3. In all States, an automobile driver is required to pass both a driving test and a written test before he is issued a driver's license. Of the following, the *chief* purpose of this requirement is to
   A) reduce the number of licenses being issued
   B) teach people who apply for drivers' licenses to drive more carefully
   C) encourage careful buying of new and used cars
   D) permit drivers to travel from one State to another
   E) make sure that licenses are issued only to qualified drivers

4. The saying "All is not gold that glitters" means most nearly
   A) Capable people are often modest.
   B) The best things are often cheapest.
   C) That which is easily obtained is not appreciated.
   D) Many men are deceitful.
   E) Appearances can be deceiving.

5. To EXTEND means most nearly to
   A) involve
   B) bind
   C) stretch
   D) include
   E) ignore

6. (*Reading*) "The ability of men on sailing ships to forecast weather changes from local observation was well known. This was not because the signs were so much more pronounced over the ocean than over the land, but was primarily because these mariners had no other source of information and had to learn to interpret the significance of available signs."

   The quotation best supports the statement that
   A) local weather observations are more reliable than other sources
   B) interpreting the significance of weather changes is easy for men at sea

   C) weather signs are more accurately interpreted on land than on the ocean
   D) old-time sailors forecast weather from their own observations
   E) weather signs over the ocean were formerly more pronounced than they are now

7. PAINTER is related to PICTURE as COMPOSER is related to
   A) musician
   B) orchestra
   C) piano
   D) radio
   E) symphony

8. The *chief* reason that many file cabinets are made of metal rather than of wood is that metal cabinets
   A) can be locked
   B) are more attractive
   C) do not catch fire
   D) weigh less
   E) make filing easier

9. To say that the shipment was REJECTED means most nearly that it was
   A) damaged
   B) returned
   C) acknowledged
   D) unclaimed
   E) refused

10. Which of the following is the *chief* reason for using refrigerated cars when shipping fresh fruit? By the use of such cars
   A) more fruit can be shipped in less space and at less cost
   B) fruit can be kept in good condition for a long time
   C) fruit can be shipped in locked compartments

D) fruit can be kept separate from other shipments
E) the flavor of the fruit can be improved

11. PRINTER is related to PRINTING PRESS as WEAVER is related to
A) loom
B) basket
C) fabric
D) carpet
E) pattern

12. The saying "Strike while the iron is hot" means most nearly
A) Take time to do a job well.
B) Be determined to succeed.
C) Act boldly and the job is half done.
D) Do not wait for another to act.
E) Act quickly when conditions are right.

13. White clothing is recommended for tropical countries *chiefly* because
A) it is a good reflector of the sun's rays
B) it is easy to keep clean
C) white is very restful to the eyes
D) it is made from cotton which is grown in warm climates
E) colored clothing fades quickly in the tropics

14. APPARENT means most nearly
A) impressive
B) similar
C) observant
D) evident
E) unforeseen

15. (*Reading*) "The happiest people are those who touch life at the greatest number of points. People who suffer are those who have only one interest, of which fate robs them."

The quotation best supports the statement that
A) people should not lose interest in what they are doing
B) the greatest misfortunes come to those who have the fewest interests
C) people with many interests get the most enjoyment out of life
D) the possession of conflicting interests may cause suffering
E) people should learn many trades or professions

16. SAW is related to WOOD as KNIFE is related to
A) fork
B) daggar
C) meat
D) sharpener
E) steel

17. The saying "He that's always shooting must sometimes hit" means most nearly
A) A small failure can be as bad as a great one.
B) It takes courage to keep trying.
C) The highest goal is the most attractive.
D) A person who keeps trying is bound to succeed.
E) Every situation can be improved.

18. To say that a principle is FUNDAMENTAL means most nearly that it is
A) secondary
B) basal
C) practical
D) logical
E) superficial

19. (*Reading*) "Some bacteria, like people, develop a tolerance of certain drugs. Repeated small doses of the drug sulfa tend to build up toughly resistant strains of bacteria. Then when a serious infection

comes along and sulfa is really needed, it does not work."

The quotation best supports the statement that

A) some bacteria may actually come to require sulfa for survival
B) sulfa tends to build up our resistance to bacteria
C) the effectiveness of sulfa may be lessened by frequent use
D) sulfa should be used only in small doses
E) sulfa is of more value in mild infections than in serious infections

20. SADDLE is related to LEATHER as BOOK is related to
A) author
B) printing
C) chapter
D) page
E) paper

21. ALLEGIANCE means most nearly
A) wilfulness
B) prudence
C) distinction
D) treachery
E) devotion

22. The saying "Idleness is the mother of all vices" means most nearly
A) Those who refuse to work are likely to go hungry.
B) A person with nothing to do is likely to get into trouble.
C) A person who works hard will have a good character.
D) Those who keep busy will prosper.
E) Necessity increases a person's ability.

23. SPOON is related to SUGAR as SHOVEL is related
A) pick
B) coal
C) water
D) scoop
E) hole

24. (*Reading*) "Most of the colonies declined to follow New York in defying the British government. They preferred to accompany their grants of supplies to British troops with qualifications designed to preserve their constitutional principles and liberty of action."

The quotation best supports the statement that

A) some of the colonies granted supplies to the British troops
B) New York's defiance of the British government was supported by the other colonies
C) only New York felt that granting supplies would have a bearing on its liberty
D) New York was primarily interested in preserving its constitutional principles
E) the British troops compelled the colonies to grant supplies to them

25. In national forests only certain designated places may be used for camping. Of the following, the *chief* reason for this restriction is that
A) campers scatter rubbish and spoil the scenery
B) unrestricted camping increases the danger of forest fires
C) such sites are protected from animals
D) safe drinking water is provided at these places
E) such places are located where firewood is plentiful

26. The saying "The used key is always bright" means most nearly
A) A key to which one is accustomed seems bright.

B) Practice maintains skill.
C) A person should not be changing jobs constantly.
D) Unused training is of little value.
E) An object is not bright until it has been used.

27. TRAIN is related to STATION as SHIP is related to
A) anchor
B) cargo
C) deck
D) port
E) voyage

28. The saying "The only argument available with an an east wind is to put on your coat" means most nearly
A) We should protect ourselves against what we cannot prevent.
B) The ruthless can be subdued only by kindness.
C) What brings hardships for some means good fortune for others.
D) A frank discussion often clears away difficulties.
E) If we do not look after ourselves, no one else will.

29. TIME is related to HOUR as DISTANCE is related to
A) travel
B) speedometer
C) mile
D) space
E) automobile

30. (*Reading*) "Farming in the United States is being reduced to such a science that the likelihood of crop failure is gradually becoming less. Haphazard methods are replaced by scientific practices that produce better results."

The quotation best supports the statement that
A) scientific farming was first practiced in the United States
B) the failure of haphazard farming methods can be predicted
C) crop yields can be predicted at planting time
D) scientific agricultural practices have decreased farm losses
E) crop failures made scientific farming necessary in the United States

31. To HAMPER means most nearly to
A) hinder
B) weaken
C) mutilate
D) decrease
E) neglect

32. LIGHT is related to SHADOW as HEALTH is related to
A) wealth
B) illness
C) happiness
D) death
E) life

33. The saying "As the twig is bent, so grows the tree" means most nearly
A) Children often resemble their parents.
B) Some children need more guidance than others.
C) Everyone needs assistance in solving his problems.
D) A man is the result of his childhood training.
E) Results follow inaction as well as action.

34. (*Reading*) "By their composition and arrangement rock veins can be shown to be either deposits from the watery solutions of minerals that are found in underground water or the results of the condensation of vapors. In the latter case the vapors rise from

lower regions and are deposited on the walls of fissures where veins are eventually formed."

The quotation best supports the statement that rock veins

A) conduct vapors and watery solutions of minerals
B) usually contain many different minerals
C) are formed from the deposits made by vapors or watery solutions
D) consist of watery solutions of minerals
E) are fissures formed by underground water

35. Of the following, the *chief* purpose of appointing school boys to direct traffic near schools is to

A) encourage leadership
B) teach school children to cooperate with each other
C) improve school discipline
D) help protect school children
E) develop their sense of responsibility

36. REMOTE means most nearly

A) shrunken
B) absent
C) distant
D) misleading
E) familiar

37. MUSIC is related to EAR as FRAGRANCE is related to

A) flower
B) nose
C) perfume
D) smell
E) nerve

38. The saying "The wind that blows out candles kindles the fire" means most nearly

A) That which is useful to some, may be scorned by others.

B) Evil thoughts overshadow good deeds.
C) Wind and fortune are not lasting.
D) A thing may be both a benefit and a detriment.
E) Fortune comes only after misfortune.

39. (*Reading*) "The use of the airplane has changed the transportation industry. Formerly, it required days to go from one coast to the other or to cross the oceans. It is now a matter of hours. The airlines are, consequently, getting an increasing share of passengers and freight previously carried by trains and ships."

The quotation best supports the statement that airplanes are

A) not so safe as the older means of travel
B) more comfortable than other means of transportation
C) being used as much as trains and ships
D) not so cheap as other means of travel
E) being used more and more frequently

40. The saying "Cut your coat according to your cloth" means most nearly

A) Consider your limitations in making your plans.
B) If one method fails, try another.
C) Ask for advise before beginning a new task.
D) Stick to your purpose in the face of difficulties.
E) Act so as to avoid criticism.

41. To say that a course of action has been ADVOCATED means most nearly that it has been

A) opposed secretely
B) explained fully
C) supported publicly
D) questioned cautiously
E) judged fairly

42. LEASE is related to HOUSE as SUBSCRIPTION is related to
    A) contract
    B) signature
    C) petition
    D) newspaper
    E) testimonial

43. (*Reading*) "The weather map serves not only for the preparation of forecasts. It is also the basis for summaries and bulletins of weather in various parts of the country. These play a vital part in the daily plans of farmers, shippers, and persons in many other business and commercial activities."

    The quotation best supports the statement that
    A) weather summaries and bulletins, based on the weather map, are important to farmers and businessmen
    B) weather summaries and bulletins are useful in preparing weather forecasts for farmers and businessmen
    C) the weather map is used by businessmen and farmers in various parts of the country
    D) the preparation of weather forecasts is vital to farmers and to most businessmen
    E) weather summaries and bulletins are more important to farmers than to businessmen

44. The saying "Any time means no time" means most nearly
    A) Who arranges his work well finds time for everything.
    B) There is a proper time for everything.
    C) A task for which no time is set may be left undone.
    D) The unexpected cannot be prepared for.
    E) Sufficient time should be allowed if good results are desired.

45. (*Reading*) "As a nation we are doing vastly less to prevent suffering and to conserve health and vitality than we know how to do through tried and tested methods. Although in recent years an effort has been made to increase preventive health work, systematic warfare against disease on a broad front is long overdue."

    The quotation best supports the statement that
    A) it is more economical to prevent illness than to cure it
    B) preventive medicine is still in an experimental stage
    C) it takes a long time to organize a systematic campaign against disease
    D) this country has not fully utilized its knowledge of disease prevention
    E) disease and impairment of health can be abolished

46. To NARRATE means most nearly to
    A) entertain
    B) tell
    C) create
    D) rant
    E) begin

47. GOLD is related to ORE as GASOLINE is related to
    A) grease
    B) refinery
    C) limestone
    D) stone
    E) petroleum

48. (*Reading*) "The aim of education should be to teach us rather how to think—than what to think—rather to improve our minds, so as to enable us to think for ourselves, than to load our memories with thoughts of other men."

The quotation best supports the statement that education should bring about

A) better understanding of the writings of other men
B) fuller use of mental processes
C) improved ability to memorize
D) attainment of a higher standard of living
E) appreciation of the thoughts and accomplishments of others

49. The saying "The worth of a thing is best known by the want of it" means most nearly

A) What we want, we will strive to get.
B) The need of a thing brings appreciation of its value.
C) The more expensive an article, the greater its value.
D) Desire disregards cost.
E) When we do not possess an article, we have the greatest desire for it.

50. (*Reading*) "There is an art in reading a newspaper, just as there is an art in listing to music or looking at pictures or watching a football game. So obvious is this fact that it is astonishing that none of our schools seems to have given the slightest attention to this art's cultivation."

The quotation best supports the statement that

A) a person should be taught how to read a newspaper.
B) journalism is not taught in our schools
C) few people know how to read a newspaper
D) the teaching of newspaper reading in our schools is inadvisable
E) newspaper reading is as difficult as listening to music

51. To CONTRIVE means most nearly to

A) repent
B) remember
C) collect
D) invent
E) strive

52. The saying "Great gain makes work easy" means most nearly

A) Man's desire for comfort inspires him to simplify his work.
B) The most diligent laborer is not always the greatest earner.
C) A man's labor is lightened when a liberal reward is anticipated.
D) Personal satisfaction is one of labor's greatest rewards.
E) The desire for personal gain is one of the major driving forces of human effort.

53. (*Reading*) "International exchange of scientific information is of growing importance. Increasing specialization of science will make it more important than ever that scientists in this country keep continually abreast of developments abroad."

The quotation best supports the statement that

A) the increasing specialization of science is its most important aspect
B) scientific developments in other countries are important to us
C) scientific specialization has made more progress in this country than abroad
D) our scientists will have no trouble keeping up with those of other countries
E) scientific developments abroad will increase our need for specilization

54. The *chief* reason why the primary responsibility for flood control projects that affect a large number of States should rest with the Federal Government rather than with local authorities is that such projects

A) may require years to complete
B) may not be desired by the States involved
C) should be undertaken only by experienced engineers
D) can be carried out most effectively by a central agency
E) are not always affected to the same extent by seasonal floods

55. (*Reading*) "During the millions of years when coal was forming, volcanoes thrust great mountains of melted rock over some of the buried layers of vegetation. These hot and massive weights packed down the buried forests beneath them. The result in this case was anthracite, or hard coal."

The quotation best supports the statement that

A) heat is necessary for the formation of coal
B) anthracite coal was formed under great pressure
C) many ancient forests were destroyed by volcanic action
D) hard coal is a form of melted rock
E) most coal was formed by the action of volcanoes

56. ALOOF means most nearly

A) deserted
B) timid
C) assured
D) reserved
E) wise

57. The saying "He cannot see the forest for the trees" means most nearly

A) Careful attention to detail is important.
B) A successful action must be planned in advance.
C) It is important to look ahead.
D) Too much worry results in confusion.
E) A man loses perspective in observing details.

58. (*Reading*) "The factory in the modern sense was the response of industry to the new demands made by commerce. It was the organization of effort on a plan which applied the principle of the division of labor in such a way as to make the fullest use of the resources of science."

The quotation best supports the statement that the modern factory

A) represents a coordination of the facilities of labor and science
B) often emphasizes division of labor at the expense of efficient production
C) employs commerce to dispose of its products
D) pays more attention to labor than to raw material
E) was developed for the purpose of testing scientific principles

59. TREND means most nearly

A) influence
B) character
C) variation
D) improvement
E) direction

60. TRUCK is related to TRANSPORTATION as TELEGRAPH is related to

A) communication
B) electrification
C) reception

D) commemoration
E) distribution

61. AGITATED means most nearly
A) indifferent
B) reckless
C) excited
D) exhausted
E) unhappy

62. PLATFORM is related to SPEAKER as STAGE is related to
A) amusement
B) curtain
C) author
D) actor
E) dramatist

63. The saying "You may know the whole sack by a handful" means most nearly
A) Accurate opinions may be formed from small indications
B) One should not be too ready to jump to conclusions.
C) A single action may not indicate a man's character.
D) Important results often come from events that seem trifling.
E) Hasty decisions usually have to be revised.

64. (*Reading*) "A republic may be defined as a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during the pleasure of the people electing them, for a limited period, or during good behavior."

The quotation best supports the statement that in a republic
A) the government has little power
B) short terms of office are necessary
C) the legislature is the source of administrative authority
D) the terms of government officials are subject to restrictions
E) an individual is protected against the arbitrary exercise of governmental powers

65. The saying "High regions are never without storms" means most nearly
A) Great men seldom disagree.
B) High positions carry many privileges.
C) Great men are constantly beset with troubles.
D) Success is attained through overcoming obstacles.
E) Fortune is emphasized by misfortune.

66. PALATABLE means most nearly
A) vocal
B) admissible
C) acceptable
D) reliable
E) happy

67. BURN is related to KINDLE as POSSESS is related to
A) protect
B) acquire
C) remove
D) enjoy
E) disturb

68. (*Reading*) "It has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, bakers, millers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services

rendered, accommodations furnished, and articles sold."

The quotation best supports the statement that

A) business groups set maximum charges for services rendered
B) the governments of many countries regulate ferries, common carriers, etc.
C) certain enterprises are regulated by government for their own good
D) the regulation of commerce is necessary to maintain prices at a high level
E) certain private enterprises have long been subject to government regulation

69. A company operating stores in different parts of the country would find it *most* advisable to use which one of the following plans in determining which holidays to observe? To
A) disregard holidays that are peculiar to certain sections of the country
B) ask employees to vote on proposed plans
C) adjust to local practices its policy in granting holidays
D) observe those holidays on which little business can be expected
E) try out different practices to determine the most popular

70. To say that a person is WILY means most nearly that he is
A) crafty
B) clumsy
C) afraid
D) talkative
E) innocent

71. BRIDGE is related to STREAM as TUNNEL is related to
A) floor
B) traffic

C) mountain
D) passage
E) mining

72. The saying "Trifles discover character" means most nearly
A) No matter how small the detail, it should not be neglected.
B) It is easy to disregard small annoyances.
C) Few people have the opportunity to do great deeds.
D) The good are not led astray by minor temptations.
E) Small things reveal a person's true nature.

73. GRAPHIC means most nearly
A) brief
B) vivid
C) measurable
D) numbered
E) official

74. (*Reading*) "Human life is an internally motivated process in which the essential events do not occur as directed from the outside upon the subject of experience, but evolve from within it, as fruits and flowers evolve from seeds."

The quotation best supports the statement that a person's life is controlled mainly by
A) the influence of teachers
B) early experiences
C) home environment
D) chance events
E) his own nature

75. DECISIVE means most nearly
A) final
B) valuable
C) attentive

D) formal
E) cutting

76. STORM is related to WEATHER as RAGE is related to
A) punishment
B) crime
C) anger
D) mood
E) pleasure

77. To ATTAIN means most nearly to
A) attack
B) obstruct
C) allow
D) preserve
E) reach

78. The saying "No man who needs a monument ever ought to have one" means most nearly
A) Only they deserve a monument who will be remembered without one.
B) People should be allowed to imagine the appearance of great men.
C) Public recognition of greatness is often fickle.
D) Monuments bind one generation to another.
E) The needy are seldom honored by monuments.

79. (*Reading*) "Such is the nature of novelty that where anything pleases it becomes doubly agreeable if new; but if it displeases it is doubly displeasing on that very account."

The quotation best supports the statement that
A) old friends are often treasured
B) new friends are more interesting than old friends
C) unfamiliar things seem either very good or very bad
D) familiar things are either greatly liked or greatly disliked
E) a combination of the old and the new is most pleasing

80. The saying "Change is the law of life" means most nearly
A) Nothing can be accomplished without constant effort.
B) Everything that happens teaches us something new.
C) Nothing is stationary in this world.
D) Slow but steady achievement is better than sudden success.
E) Everyone has a right to succeed in something.

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February 1970

PRINT
NAME _____
Last name *First Name* *Middle Initial*

DATE OF
BIRTH _____ IDENTIFICATION NO. _____
Month Day Year

UNITED STATES
CIVIL SERVICE COMMISSION

Fill in the identifying blanks at the top of the answer sheet and test booklet. Place no other identifying marks on your answer sheet or test booklet.

The questions in this test need not be taken up in order. Answer first those that you can answer without any delay. Then use the remainder of the time on the questions you have passed over.

For each question, select the BEST ANSWER, and darken the space on the answer sheet that bears the same letter as the answer.

1. EXCELLENT means most nearly
   A) practical
   B) useless
   C) worthy
   D) expensive
   E) orderly

2. BUTTER is related to DAIRY as BREAD is related to
   A) loaf
   B) mill
   C) flour
   D) stove
   E) bakery

3. The price of men's clothing is likely to be more constant than that of women's clothing *chiefly* because the former is
   A) ordinarily made from staple materials
   B) more profitable to manufacture
   C) lower in cost per unit
   D) less influenced by changing fashion
   E) tailored to order

4. The saying "Don't put all your eggs in one basket" means most nearly
   A) Avoid risks unless you are sure of success.
   B) Concentrate on what you are doing.
   C) Don't risk everything in one undertaking.
   D) Be careful not to lose what you have in seeking more.
   E) Don't lose heart because of one failure.

5. REMOTE means most nearly
   A) distant
   B) mobile
   C) special
   D) missing
   E) quaint

6. (*Reading*) "Along with the increasing urbanization of America has gone a great movement to open up country playgrounds. The National forests and state forests which have been set aside in recent years,

largely to protect the watersheds, have become at the same time summer playgrounds for millions of city dwellers."

The quotation best supports the statement that the National and State forests

A) have been instrumental in promoting the urbanization of America
B) do not attract many country residents
C) are maintained chiefly because of their value as playgrounds
D) have little value in water-supply control
E) are now popular as recreational areas

7. APPLE is related to CORE as WHEEL is related to
A) rim
B) spoke
C) disk
D) hub
E) tire

8. In most States the signature of a will must be attested by several persons other than the maker of the will *chiefly* in order to
A) establish the authenticity of the signature
B) make certain that it cannot be altered later
C) protect the estate against any contesting of the will
D) make the provisions of the will known to more than one person
E) designate the individuals who are to administer the will

9. VIVID means most nearly
A) rare
B) intense
C) imaginary
D) absurd
E) attractive

10. Each State requires a physician to meet certain standards before a license to practice is issued to him *chiefly* in order to
A) protect the public from poorly trained doctors
B) control the number of new doctors entering practice
C) promote agreement among doctors on medical problems
D) prevent doctors from charging excessive fees
E) make sure that standards will be uniform in all the States

11. PAPER is related to GLUE as METAL is related to
A) ore
B) putty
C) solder
D) wire
E) tin

12. The saying "No gains without pains" means most nearly
A) Progress is made only at the expense of effort.
B) The lazy man rarely reaches his goal.
C) One cannot always be certain that results will justify his efforts.
D) Achievement without toil deserves little appreciation.
E) To plan one's work is to hasten its completion.

13. On public buildings the doors leading to the outside are generally required by city ordinances to swing from a closed position outward *chiefly* because
A) a saving in space is thereby made
B) the doors cannot then be blown open by the wind
C) most people entering a building try to pull rather than push the door open
D) this type of door construction is more sturdy
E) a crowd, pressing at the exit, can then leave more readily

14. To ACCUSTOM means most nearly to
    A) persuade
    B) reconcile
    C) overcome
    D) familiarize
    E) endeavor

15. (*Reading*) "No one can say when cattle were first tamed. It is known that early man found various types of oxen and bison roaming the wilds of Europe, Asia, and Africa, and that he killed these for food, but the taming of wild cattle to serve as draft animals and as a permanent food supply was effected by all the great peoples of antiquity before the beginning of recorded history."

    The quotation best supports the statement that
    A) written records do not disclose when cattle were first domesticated
    B) wild cattle were tamed simultaneously in various parts of the world
    C) cattle were first domesticated when man ceased his nomadic existence
    D) when wild cattle were first tamed, they were used only as draft animals
    E) man had little incentive to domesticate wild oxen and bison as long as they were abundant

16. ISLAND is related to WATER as LAKE is related to
    A) spring
    B) river
    C) forest
    D) land
    E) brook

17. The saying "Little strokes fell great oaks" means most nearly
    A) A patient beginning leads to a swift ending.
    B) The difficulty of a task is not determined by its size.
    C) Perseverance in small things leads to great accomplishments.
    D) Great things are not produced by chance.
    E) The tools in use should be appropriate for the size of the job.

18. CONSERVATIVE means most nearly
    A) opposed to change
    B) recent in origin
    C) free of restraint
    D) rare in occurrence
    E) erratic in manner

19. (*Reading*) "Before the passage of the National Food and Drugs Act and the Federal Government's crusade against misbranding, more cane sugar and cane sirup were labeled as maple than the entire natural production of such maple products. A great deal of maple sirup is still blended with cane products but attempts are no longer being made to delude the public. Labels accurately state that the sirup is a blend of cane and maple sirups."

    The quotation best supports the statement that, as a result of Federal action against misbranding,
    A) the demand for maple products has been considerably reduced
    B) cane products which contain an artificial maple flavor have been developed
    C) a much larger quantity of maple sirup has become available to the consuming public

D) the greater portion of the maple sirup produced is blended with cane sirup
E) the labeling of maple sugar products has become more dependable

20. CITY is related to STREET as BUILDING is related to
A) exit
B) corridor
C) floor
D) room
E) elevator

21. To say that a statement IS AMBIGUOUS means most nearly that it
A) cannot be justified
B) can have more than one meaning
C) does not give all the facts
D) is intended to mislead
E) contradicts popular belief

22. The saying "By falling we learn to go safely" means most nearly
A) The second effort is always better than the first.
B) We should profit by the experience of others.
C) We must expect to make some blunders.
D) A good beginning does no always mean a good ending.
E) Out of failure comes the wisdom necessary to success.

23. FORK is related to PRONG as SAW is related to
A) handle
B) blade
C) tooth
D) edge
E) curve

24. (*Reading*) "The employment of fiber in the domestic economy must go back to the most primitive times, for among the uncivilized races of man the world over we find a dependence upon fiber plants for utensils, cordage, and clothing, and for the building and furnishing of huts, second only in importance to their dependence upon edible plants for food."

The quotation best supports the statement that fiber plants
A) cannot all be employed for practical purposes
B) have been used domestically since the earliest ages
C) were of very limited value to primitive man
D) are very difficult to cultivate
E) were more abundant in ancient times than food plants

25. During recent years, an increasing quantity of a greater variety of foods has been canned, dehydrated, frozen, or preserved in other ways. The *chief* advantage of foods so processed over fresh foods is that processed foods
A) simplify food budgeting
B) can be stored for long periods
C) can fill all dietary needs
D) improve in flavor during storage
E) possess a greater vitamin content

26. The saying "Between the hand and the lip, the morsel may slip" means most nearly
A) Nothing is certain until it is an accomplished fact.
B) Nothing is stronger than its weakest part.
C) Accidents are prevented when proper precautions are taken.
D) Overconfidence is many times the cause of misfortune.
E) Failure is sure to follow when something is not properly planned.

27. BURN is related to FUEL as DIGEST is related to
    A) hunger
    B) warmth
    C) body
    D) consumption
    E) food

28. The saying "Do not make the bite larger than the mouth" means most nearly
    A) Do not attempt to do work which you do not enjoy.
    B) Magnifying one's difficulties makes one less able to overcome them.
    C) Those who want too much are never satisfied.
    D) An individual should not attempt a task which is beyond his capacity.
    E) It is unwise to indulge one's appetite.

29. APPLICATION is related to SEEK as RESIGNATION is related to
    A) dismiss
    B) interview
    C) hire
    D) work
    E) withdraw

30. (*Reading*) "Advertising tends to improve the quality of commodities without a corresponding increase in cost. Competition in advertising takes the form of price rivalry much more rarely than might be presumed. Manufacturers seeking to create national demand for commodities sold under their trade names compete rather in offering excellent staples, assuring purity in sanitary packages."

    The quotation best supports the statement that, to increase the demand for their commodities, manufacturers generally

    A) call public attention to the merits of their products
    B) discredit the goods of rival manufacturers
    C) increase their sales forces
    D) reduce their prices below those of competitors
    E) furnish money-back guarantees to purchasers

31. To PERPLEX means most nearly to
    A) interest
    B) emphasize
    C) conspire
    D) mask
    E) confuse

32. APPETITE is related to SATISFY as THIRST is related to
    A) drink
    B) restrain
    C) intoxicate
    D) parch
    E) quench

33. The saying "Do well is better than say well" means most nearly
    A) Sincere advice is the best to follow.
    B) Fine words are not so worthy as good deeds.
    C) Good intentions do not always lead to worthy achievements.
    D) Man can be better judged by his actions than by his speech.
    E) It is easier to give good advice than to follow it.

34. (*Reading*) "Gold is found in nearly all parts of the world and small amounts occur in ocean water and in many rocks. It is mostly in such minute proportions, however, that it cannot be profitably extracted. Only the more concentrated deposits can be utilized and some of these only where natural conditions are favorable."

The quotation best supports the statement that the extraction of gold is not profitable unless
A) the demand for it is world-wide
B) relatively simple extraction processes are used
C) the concentrations are relatively large
D) the concentrations are in areas having good transportation
E) mining operations are carried out on a large scale

35. Of the following, which would be of *least* assistance in identifying a stolen watch? The
A) initials of the owner, inscribed in the case
B) kind of metal of which the case is made
C) length of time the watch has been used by the owner
D) number of jewels in the movement
E) serial numbers of the case and movement

36. To DILATE means most nearly to
A) deviate
B) undermine
C) expand
D) retard
E) strengthen

37. AUTHOR is related to COPYRIGHT as INVENTOR is related to
A) patent
B) protection
C) invention
D) privilege
E) machine

38. The saying "He is unable to see the forest for the trees" means most nearly
A) His judgment is confused by flattery.
B) He leads a meaningless existence.
C) Lack of foresight restricts his progress.

E) He works hard but accomplishes little.
E) Details hide complete understanding from him.

39. (*Reading*) "Law is steadily growing more complex and the body of knowledge more extensive. Consequently the law now covers too large a field for anyone to be thoroughly familiar with the whole of it."

The quotation best supports the statement that
A) present-day lawyers are trained less carefully than lawyers used to be
B) it is imposssible for any lawyer to have a complete knowledge of the law
C) only the best lawyers understand the whole body of legal knowledge that has accumulated
D) more laws have been passed than are needed
E) law is more complex than are other professions

40. The saying "A willing mind makes a light foot" means most nearly
A) To be successful, one must work diligently.
B) A contrary attitude leads to inefficiency.
C) A fast worker has confidence in his own ability.
D) People do not like everything they do.
E) That which is done voluntarily seems easy to do.

41. INEVITABLE means most nearly
A) unavoidable
B) invincible
C) immortal
D) unstable
E) unpredictable

42. PLUMBER is related to TRADE as PHYSICIAN is related to
A) patient
B) laboratory
C) diagnosis
D) profession
E) prescription

43. (*Reading*) "In a telephone conversation, the voice is of utmost importance. An indication of a salesperson's impatience, irritation, or indifference is carried to the customer by his voice over the telephone just as surely as it is conveyed by the voice, actions, or facial gestures in a face-to-face meeting. In a like manner, indications of a desire to be of help can be transmitted with just as much ease."

The quotation best supports the statement that a telephone salesperson

A) should attempt to prevent a customer from becoming impatient
B) must be more careful of his voice than of what he says
C) can make a good impression more easily over the telephone than in a face-to-face meeting
D) must rely upon his voice even more than must a person selling face-to-face
E) may cause his employers to suffer heavy losses because of his discourtesy

44. The saying "There is no such flatterer as a man's self" means most nearly

A) No one can ever really appreciate the true character of another.
B) Words of commendation spoken insincerely may do a man more harm than good.
C) The noble deeds of many men go unrecognized by others.
D) A person's greatest compliments arise within his own mind.
E) He who praises himself too freely is not regarded highly by others.

45. (*Reading*) "In the most primitive form of soil tillage, the practice of which marks the beginning of civilization, the primary objective was to subdue or

destroy the native vegetation in order that the desired plants might develop free from competition. Tillage has reached a highly developed stage, yet its primary objective still involves elimination of competing vegetation."

The quotation best supports the statement that

A) in agriculture the destruction of undesired plants has always been of basic importance
B) primitive forms of soil cultivation may still be observed in many portions of the world
C) present highly developed forms of farming have reduced the need for weed control
D) in the early days of agriculture weed control was the farmer's most difficult problem
E) a useful crop may now be readily grown merely by destroying undesired plants in a naturally seeded area

46. DOGMATIC means most nearly

A) reluctant
B) subtle
C) positive
D) religious
E) theoretical

47. BIRD is related to AIRPLANE as FISH is related to

A) flying fish
B) whale
C) eel
D) water
E) submarine

48. (*Reading*) "Though lightning causes a great many forest fires, much the larger proportion are started through the malice or carelessness of men and are therefore preventable. The most effective safeguard

against fire in the woods is an enlightened public sentiment in regard to it."

The quotation best supports the statement that

A) the causes of most forest fires are beyond the control of man
B) lightning causes the most serious forest fires
C) fewer forest fires would occur if people fully realized their seriousness
D) the damage caused by forest fires has been decreasing in recent years
E) an efficient fire-fighting system is the best protection against fire

49. The saying "Nothing ventured, nothing gained" means most nearly

A) Persistent effort brings success.
B) Cooperation is vital to achievement.
C) A certain amount of risk is required to win anything.
D) Success attained without effort is not enduring.
E) Success encourages continued effort.

50. (*Reading*) "Credit is a promise to pay in the future in return for commodities, services, or money. Credit, therefore, is a substitute for money. We are living in a credit economy; that is, most of the business transactions in a country like the United States are made, not with money, but with promises to pay."

The quotation best supports the statement that the extensive use of credit

A) has enabled the United States to make great economic progress
B) results in a sounder economy than does the use of money

C) has eliminated the financial advantages once held by the wealthy
D) is a basic principle on which our modern economy rests
E) has simplified nearly all business transactions

51. ABRUPT means most nearly

A) gentle
B) sudden
C) vigorous
D) deliberate
E) crooked

52. The saying "Everyone puts his faults on the times" means most nearly

A) Faults are often made worse by calling attention to them.
B) Great men are little influenced by the times in which they live.
C) Men blame their surroundings for their own deficiencies of character.
D) What one generation considers good, another generation usually considers bad.
E) Every man can rise above the limitations of his environment.

53. (*Reading*) "The principal purpose of a commercial harbor is to furnish a means for transferring freight from the interior to seagoing carriers. The harbor affording the cheapest and most expeditious shipping facilities attracts the greatest patronage, as it is the facility for readily discharging cargoes and reloading, rather than the size of the harbor, that attracts ship owners."

The quotation best supports the statement that the harbor most heavily utilized is that which

A) is outfitted with the most expensive equipment
B) provides the fastest and least expensive service
C) can accommodate the greatest number of ships
D) is nearest to the interior production centers
E) is best served by land transportation

54. To merchants, the *chief* advantage of television advertising over magazine advertising is that television advertisements
A) require no effort on the part of the listener
B) reach all prospective customers simultaneously
C) usually reach a greater number of persons
D) may be designed to reach only a desired consumer group
E) can be understood by persons who are unable to read

55. (*Reading*) "The introduction of the roller process of milling flour has made it possible to use varieties of wheat from which high-grade flour could not be made by the old stone process. By the roller process of reduction some of the hard particles which were formerly excluded from the flour and sold with the byproduct used for animal feeding are now reduced and added to the highest grade of flour."

The quotation best supports the statement that, with the introduction of the roller process of milling,
A) the old stone process was completely discarded
B) more kinds of wheat were grown by the farmers
C) the time required for the milling process was reduced
D) more varieties of wheat could be made into high-grade flour
E) particles of wheat were no longer used for animal feeding

56. INSTIGATE means most nearly to
A) inquire
B) combine
C) establish
D) provoke
E) contend

57. The saying "None knows the weight of another's burden" means most nearly
A) Only he who bears the troubles can understand their heaviness.
B) The man who carries the heaviest load is usually last to complain of his load.
C) Every man thinks his own misfortunes are the hardest.
D) Hardships may be borne only by those on whom they fall.
E) He who has sorrows of his own rarely is aware of the trials of others.

58. (*Reading*) "The arts of painting and sculpture constitute a universal form of communication. They embody, to an even greater extent than literature, the common qualities of mankind, and help to break down the barriers that separate human beings from one another."

The quotation best supports the statement that the arts of painting and sculpture
A) have consistently progressed with the development of civilization
B) flourished in ancient times
C) are important mediums of expression
D) have surpassed literature in popularity
E) appeal to men's finer feelings

59. To REPUDIATE means most nearly to
A) blame
B) reprove

C) disown
D) encourage
E) challenge

60. CHAOS is related to ORDERLY as WASTE is related to
A) expensive
B) economical
C) routine
D) careless
E) agitated

61. To say that testimony IS IRRELEVANT means most nearly that it
A) has no bearing on the case
B) duplicates previous evidence
C) is not given under oath
D) concerns minor detail
E) is not based on fact

62. CIVILIZATION is related to REFINEMENT as BARBARISM is related to
A) efficiency
B) crudeness
C) culture
D) decadence
E) craftiness

63. The saying "The burnt child dreads the fire" means most nearly
A) Another's loss is never keenly felt by us.
B) Avoidance is the safest policy.
C) Don't worry about troubles before they come.
D) No one willingly seeks to repeat an unhappy experience.
E) We learn less by precept than by experience.

64. (*Reading*) "Braille is a system of printing for the blind in which points raised above the surface of the paper are used as symbols to designate the letters

of the alphabet. There are several modifications of the system, all distinguished by the fact that no more than two vertical rows of points are used in each letter of the alphabet."

The quotation best supports the statement that the system of braille
A) uses two rows of points for every letter
B) has been standardized for use in most countries of the world
C) was developed by the blind
D) has been simplified in recent years
E) utilizes raised dots to indicate letters

65. The saying "As the wind blows, you must set your sail" means most nearly
A) You should always make your own decisions.
B) You must adapt yourself to changing circumstances.
C) Public opinion is too strong to be resisted by one man.
D) No man may expect to go through life without meeting some obstacles.
E) When bad fortune strikes, it is easy to lose sight of your goal.

66. SUSCEPTIBLE means most nearly
A) privileged
B) expectant
C) distrustful
D) sensitive
E) reliable

67. APPROXIMATE is related to EXACT as SIMILAR is related to
A) comparative
B) inaccurate
C) conclusive
D) valuable
E) identical

68. (*Reading*) "The selling price of goods and the cost of transportation control the flow of goods from one place to another. There will be trade as long as the difference in the prices of the same commodity in two markets is greater than the cost of transportation between these markets."

The quotation best supports the statement that goods are shipped from one place to another whenever

A) production costs are lower in one market than in another
B) the prices in a certain market are higher than those in another
C) each section specializes in a particular product
D) transportation costs are low
E) the additional profit in a particular market exceeds the cost of transportation

69. Brand names are in general use by manufacturers to distinguish their products from those of competitors. To the consumer, the *chief* advantage of a brand name is that

A) the composition or contents of a product are described in detail on the brand label
B) a product which has previously given satisfaction may be readily identified and procured again
C) the price of a product with a brand name does not fluctuate
D) an unsatisfactory product can always be returned to the manufacturer
E) through use of a brand name a manufacturer guarantees a product to be of high quality

70. COVERT means most nearly

A) candid
B) weird
C) craven
D) artificial
E) secret

71. CIRCLE is related to SPHERE as SQUARE is related to

A) box
B) cube
C) pyramid
D) solid
E) flat

72. The saying "Slander flings stones at itself" means most nearly

A) Unjust accusations reflect on the accuser.
B) Suspicion is not often wholly without foundation.
C) A gossiper harms his victim more than he intends.
D) Men are often injured by their own carelessness.
E) Guilt will eventually be revealed.

73. ADROIT means most nearly

A) bold
B) lifeless
C) tangled
D) skillful
E) tedious

74. (*Reading*) "Group insurance is a purely American contribution to insurance designed to protect the employee against financial hazards occasioned by conditions such as sickness and old age. In many cases it is an employer-employee cooperative plan contributing to the improvement of industrial relationships by the elimination of forms of preventable distress to the employee."

The quotation best supports the statement that group insurance

A) was developed in order to improve employer-employee relationships
B) is financially supported primarily by employer contributions

C) protects an employee from unwarranted dismissal from his job
D) provides financial assistance to employees during periods of need
E) has been universally adopted by American industrial establishments

75. LATENT means most nearly
A) recumbent
B) radiant
C) powerful
D) fluid
E) dormant

76. TIMIDITY is related to HESITATION as COURAGE is related to
A) action
B) submission
C) vengeance
D) security
E) sacrifice

77. ACRIMONIOUS means most nearly
A) miserly
B) tearful
C) cowardly
D) honest
E) bitter

78. The saying "Few words for the wise suffice" means most nearly
A) He whose speech is most worth hearing never wastes words.
B) It is a wise man who realizes that silence is more eloquent than speech.

C) A man reveals the extent of his knowledge as soon as he begins to talk.
D) The intelligent man understands without long explanations.
E) A man who has studied much still has much to learn.

79. (*Reading*) "During the millions of years when coal was forming, volcanoes thrust great mountains of melted rock over some of the buried layers of vegetation. These hot and massive weights packed down the buried forests beneath them. The result in this case was anthracite, or hard coal."

The quotation best supports the statement that
A) heat is necessary for the formation of coal
B) anthracite coal was formed under great pressure
C) many ancient forests were destroyed by volcanic action
D) hard coal is a form of melted rock
E) most coal was formed by the action of volcanoes

80. The saying "The way to be safe is never to be secure" means most nearly
A) When in doubt concerning what to do, do nothing.
B) Constant caution wards off danger.
C) Worry about possible calamities does not prevent them.
D) Disaster often strikes in unexpected ways.
E) He who acts timidly never makes a mistake.

Series No. 173 Test No. 21
February 1970

PRINT
NAME _____
Last name *First Name* *Middle Initial*

BIRTH _____ IDENTIFICATION NO. _____
Month Day Year

UNITED STATES
CIVIL SERVICE COMMISSION

Fill in the identifying blanks at the top of the answer sheet and test booklet. Place no other identifying marks on your answer sheet and test booklet.

The questions in this test need not be taken up in order. Answer first those that you can answer without any delay. Then use the remainder of the time on the questions you have passed over.

For each question, select the BEST ANSWER, and darken the space on the answer sheet that bears the same letter as the answer.

1. ORDINARY means most nearly
   A) uncommon
   B) worthless
   C) usual
   D) tiresome
   E) lasting

2. SMILE is related to HAPPINESS as FROWN is related to
   A) surprise
   B) ridicule

   C) face
   D) displeasure
   E) inquiry

3. Laws restricting hunting to certain regions and to a specific time of the year were passed *chiefly* to
   A) prevent people from endangering their lives by hunting
   B) keep our forests more beautiful
   C) raise funds from the sale of hunting licenses
   D) prevent complete destruction of certain kinds of animals
   E) preserve certain game for eating purposes

4. The saying "All things are easy that are done willingly" means most nearly
   A) Work undertaken without reluctance proceeds smoothly
   B) To the lighthearted all things are easy.
   C) Many hands make light work.
   D) Easy things are done willingly.
   E) Everyone likes a cheerful worker.

5. PECULIARLY means most nearly
   A) calmly
   B) stubbornly
   C) wonderingly
   D) sensibly
   E) strangely

6. (*Reading*) "Dates are the fruit of a species of palm tree which ranges from the Canary Islands through northern Africa and the southeast of Asia to India. These trees have been cultivated and their fruit much prized throughout most of these regions from remotest antiquity. In Arabia date palms are an important source of national wealth, and their fruit forms the staple article of food in the country."

The quotation best supports the statement that date palms

A) are the chief source of wealth in many countries
B) have long been valued as a source of food
C) were fist grown in the Canary Islands and Africa
D) were not prized for their fruit in early times
E) cannot be grown in other than tropical climates

7. SKETCHING is related to PEN as PHOTOGRAPHY is related to

A) brush
B) camera
C) picture
D) pose
E) studio

8. The *best* reason, of the following, for requiring that ballots be marked in secret is that

A) this provides for a permanent record of results
B) the results are thus unknown until voting is over
C) the vote is intended to indicate the real opinion of the voter
D) this permits several matters to be voted on at the same time
E) this is the established custom of our country

9. BOUNTY means most nearly

A) generosity
B) limit
C) service
D) fine
E) duty

10. Strands of fiber used in a rope are twisted or braided together *chiefly* in order to make the rope

A) more flexible
B) less expensive
C) unbreakable
D) more rigid
E) stronger

11. CANOE is related to PADDLE as STEAMSHIP is related to

A) wharves
B) propeller
C) water
D) routes
E) yard

12. The saying "No gains without pains" means most nearly

A) Progress is made only at the expense of effort.
B) The lazy man rarely reaches his goal.
C) One cannot always be certain that results will justify his efforts.
D) Achievement without toil deserves little appreciation.
E) To plan one's work is to hasten its completion.

13. The purpose of trademarks is to

A) show that a tax has been paid
B) distinguish the brand of goods manufactured
C) show that a patent has been granted
D) indicate that goods are unadulterated
E) distinguish home from foreign products

14. CRISP means most nearly

A) broken
B) frosty
C) brittle
D) burnt
E) dry

15. (*Reading*) "The practical skill of primivite man became, in time, quite admirable in the treatment of certain kinds of disease and even more so in surgery. Examples of his accomplishments may be seen today among primitive tribes, and, together with prehistoric remains, testify to the status of medicine before history was written."

The quotation best supports the statement that primitive man
A) lacked knowledge of surgery
B) exhibited more skill in medicine than in surgery
C) was not easily affected by disease
D) developed a definite skill in dealing with physical ailments
E) buried complete records of his ability

16. WEED is related to PLANT as FLY is related to
A) screen
B) disease
C) insect
D) food
E) spider

17. The saying "A drowning man will catch at a straw" means most nearly
A) Help sometimes comes after we have abandoned all hope of it.
B) Great effort is necessary to overcome great difficulties.
C) He who relies on too slim a chance is lost.
D) A man will try anything as a last resort.
E) No disaster is entirely without remedy.

18. SCARCELY means most nearly
A) minutely
B) fittingly
C) partially
D) precisely
E) barely

19. (*Reading*) "A great many small mammals, and not a few of considerable size, have developed the arboreal habit. Most climbing forms have taken to the trees for food, and, perhaps even more important, to escape terrestrial enemies which would readily overcome them had they not evolved climbing habits.

The only entirely tree-living mammals, however, are confined to the tropics.

The quotation best supports the statement that tree-living mammals
A) are afraid to descend to the ground
B) have to be small to find sufficient food in trees
C) damage trees by consuming the leaves
D) developed climbing habits as a matter of necessity
E) are confined to small, tropical animals

20. GARDEN is related to FLOWER as LAKE is related to
A) pool
B) river
C) beach
D) cottage
E) fish

21. PERTURBED means most nearly
A) agitated
B) distrustful
C) impelled
D) repulsed
E) unmoved

22. The saying "To believe a thing impossible is a way to make it so" means most nearly
A) It is unwise to begin what is beyond one's ability.
B) The only way to prove a thing can be done is to do it.
C) We can do whatever we think we can do.
D) What is easy to obtain is not worth having.
E) Lack of confidence leads to failure.

23. SPEAK is related to SHOUT as DAMAGE is related to
A) sue
B) repay
C) destroy

D) condemn
E) repair

24. (*Reading*) "Men who have good mechanical ability, and especially those who have had some experience in mechanical work, will, when they show their worth, be detailed as helpers in machine shops and engine rooms, where opportunity will be given them for acquiring training with machinists' tools."

The quotation best supports the statement that the qualifications for helpers in machine shops and engine rooms must include
A) the demonstration of mechanical ability or training
B) special experience in mechanical work
C) training with machinists' tools
D) previous apprenticeship on the job
E) similar duties in previous positions

25. Of the following reasons, the one that *best* explains the continued sale of records in spite of the popularity of the radio is that the
A) records make available the particular selections desired when they are desired
B) appreciation of records is more widespread than appreciation of radio
C) collection of records provides an interesting hobby
D) newest records are almost unbreakable
E) sound effect of records is superior to that of the radio

26. The saying "The fire in the flint shows not till it is struck" means most nearly
A) One should be prompt to recognize one's opportunities.
B) The first attempt is not always successful.
C) Unless abilities are demonstrated, they remain unrecognized.

D) There is a proper time for everything to be done.
E) Only by repeated efforts can skill be achieved.

27. ISOLATION is related to COMPANIONSHIP as DESPAIR is related to
A) despondency
B) success
C) strength
D) recovery
E) hope

28. The saying "Straight trees are the first to be felled" means most nearly
A) Honest effort is always rewarded.
B) The best are the first chosen.
C) Ill luck passes no one by.
D) The highest in rank have farthest to fall.
E) The stubborn are soon broken.

29. SUN is related to HEAT as FOG is related to
A) moisture
B) twilight
C) storm
D) winter
E) evening

30. (*Reading*) "The Pure Food and Drugs Act would be totally incapable of enforcement were it not for the fact that chemists have perfected methods of investigation whereby the claims of composition of various foods and drugs can be verified or exposed. The Government has an ever-watchful force of 'chemist detectives' trying to protect the Nation's health in respect to remedies sold to the public."

The quotation best supports the statement that Government chemists
A) prosecute violators of the Pure Food and Drugs Act
B) improve the quality of foods and drugs
C) discourage the sale of patent medicines

D) test the chemical composition of foods and drugs
E) have considerably improved the health of the Nation

31. To DEVIATE means most nearly to
A) intend
B) vary
C) steer
D) enlarge
E) return

32. BECAUSE is related to REASON as THEREFORE is related to
A) result
B) heretofore
C) instinct
D) logic
E) antecedent

33. The saying "Do not make the bite larger than the mouth" means most nearly
A) Do not attempt to do work which you do not enjoy.
B) Magnifying one's difficulties makes one less able to overcome them.
C) Those who want too much are never satisfied.
D) An individual should not attempt a task which is beyond his capacity.
E) It is unwise to indulge one's appetite.

34. (*Reading*) "Although the types of buildings in ghetto areas vary from the one-story shack to the large tenement building, they are alike in that they are all drab, unsanitary, in disrepair, and often structurally unsound."

The quotation best supports the statement that all buildings in ghetto areas are

A) overcrowded
B) undesirable as living quarters
C) well-constructed
D) about to be torn down
E) seldom inspected

35. Which of the following is the *chief* reason that posters placed in busses are a successful medium of advertising?
A) Their bright colors and pictures attract attention.
B) They can be understood by children.
C) They are an inexpensive method of advertising.
D) All passengers are in a receptive mood when riding in such vehicles.
E) They reach a working, and therefore consuming, public.

36. To RETRENCH means most nearly to
A) impede
B) replace
C) counteract
D) attack
E) curtail

37. BRAKE is related to MOTION as DAMPER is related to
A) draft
B) furnace
C) accelerator
D) chimney
E) humidity

38. The saying "The good seaman is known in bad weather" means most nearly
A) Everyone has an opportunity to show his ability.
B) Skill is chiefly a matter of practice.
C) People seldom complain when things run smoothly.
D) One's skill becomes apparent in times of stress.
E) No one can do his best under certain conditions.

39. (*Reading*) "Brass is an alloy consisting mainly, if not exclusively, of copper and zinc, but in its older use the term was applied rather to alloys of copper and tin, now known as bronze. It is quite likely that from very early times brass was made accidentally, owing to the mixture of zinc ores with those of copper, but was not recognized as distinct from bronze. One of the earliest examples of Roman brass is a coin made in 20 B. C., containing 17.3 percent zinc."

The quotation best supports the statement that

A) brass developed somewhat earlier than did bronze
B) bronze and brass have one essential ingredient in common
C) the earliest known coins were made from brass
D) alloys of copper and zinc are now known as bronze
E) bronze and brass were first made by the Romans

40. The saying "A little knowledge is a dangerous thing" means most nearly

A) It is better to be ignorant than to know too much.
B) No one knows so much but that he could know more.
C) Those who know the least usually do the most talking.
D) To know a little about many things is to know nothing well.
E) Incomplete information may have unfortunate results.

41. ARTIFICIAL means most nearly

A) disguised
B) awkward
C) genuine
D) unnatural
E) useless

42. FRAME is related to PICTURE as MARGIN is related to

A) edge
B) decoration
C) page
D) border
E) width

43. (*Reading*) "There are two basic types of silent reading. In one type, called cursory reading, the reader does not try to grasp the meaning of every word but only the essential concept. The other form of silent reading is careful and exact. In the latter type, detailed attention is required in order to assimilate the complete thought. Cursory reading is a valuable tool, but much of the reading required in business must be careful and exact. Too often, people who have become habituated to cursory reading cannot adapt themselves to careful reading."

The quotation best supports the statement that the businessman

A) cannot afford to read so rapidly as to miss the fine points of the matter read
B) is required to relearn his whole method of silent reading
C) must do so much reading that he does not take time to read carefully
D) soon becomes highly skilled in reading with speed as well as with accuracy
E) fails to realize the need for becoming adept in the two basic types of silent reading

44. The saying "Nothing ventured, nothing gained" means most nearly

A) Persistent effort brings success.
B) Cooperation is vital to achievement.

C) A certain amount of risk is required to win anything.
D) Success attained without effort is not enduring.
E) Success encourages continued effort.

45. (*Reading*) "A sudden brief heavy rain will penetrate the soil less than the same amount of water falling for a longer period, since it takes time for water to expel the soil air and work its way downward among the soil particles. The downward movement is hastened by soil cracks, roots, root paths, and the holes of burrowing animals."

The quotation best supports the statement that penetration of the soil by rain
A) is rapid as soon as the soil air is expelled
B) is affected by the intensity of the rainfall
C) depends on the amount rather than the duration of rainfall
D) is affected more by the amount of vegetation than by other soil conditions
E) is affected only slightly by the presence of soil cracks

46. SKEPTIC means most nearly
A) guide
B) enthusiast
C) mystic
D) doubter
E) exile

47. ACCIDENT is related to NEGLIGENCE as SAFETY is related to
A) indifference
B) appliance
C) security
D) danger
E) carefulness

48. (*Reading*) "A brush properly selected for the job at hand will not only make the application of paint easier but will also add to the appearance of the finished surface by increasing its smoothness. Brushes with medium or long bristles hold more paint than do brushes with short bristles and therefore reduce the number of times the brush is dipped into the paint, thus saving time. Longer bristles are more flexible and insure a smoother application."

The quotation best supports the statement that in painting a house
A) choice of the correct type of brush is the most important step
B) frequent dipping of the brush into the paint will cause much waste
C) use of a thin paint tends to make the job shorter and easier
D) best results are likely to be achieved by using a brush with long bristles
E) a smooth finish is hard to get with a soft brush

49. The saying "Muddy springs will have muddy streams" means most nearly
A) A bad ending does not always follow a bad beginning.
B) No effort should be made to improve what is worthless.
C) Causes are usually less important than results.
D) Good cannot come out of evil.
E) What cannot be corrected must be accepted.

50. (*Reading*) "When minerals split easily with smooth faces in certain directions, they are said to have the property of cleavage. Some minerals having the property of cleavage, like quartz, when struck a blow, will break into fragments of various shapes; others, like calcite, break into fragments each of the same general shape."

The quotation best supports the statement that when minerals are broken into fragments

A) the size of the fragments shows whether the mineral possesses cleavage
B) the smoothness of the surfaces of the fragments reveals the skill of the worker
C) the manner in which the mineral breaks shows if the mineral possesses cleavage
D) many of the fragments are more beautiful than the original piece of material
E) those minerals possessing cleavage to a high degree break into fragments similar in shape

51. IMPERTINENCE means most nearly

A) impatience
B) briskness
C) conceit
D) curiosity
E) incivility

52. The saying "Habits are at first cobwebs, at last cables" means most nearly

A) Good work habits make any task easier.
B) Habits grow stronger with time.
C) It is sometimes difficult to acquire good habits.
D) Bad habits are the hardest to break.
E) Good habits should be acquired early in life.

53. (*Reading*) "Illustrations should really illustrate; too often they are simply photographic inserts to help sell the book. They should develop from and enliven the text and be so much a part of the book that they harmonize with it in spirit and in appearance. Moreover, they should be placed as nearly as possible next to or opposite the paragraph or page illustrated and not scattered at random through the book with a consequent loss of interpretative value."

The quotation best supports the statement that the illustrations of a book

A) should be grouped rather than scattered through the book
B) increase sales appeal only when they truly illustrate
C) should be photographs taken from real life
D) may be of more value to the reader than is the text
E) should serve to add interest to the text

54. A tenant who holds a long-term lease on a building will be *most likely* to gain by the transaction if during the period covered by the lease

A) business rentals vary considerably
B) real estate becomes cheaper
C) prices in general are increased
D) living costs are lowered
E) the tax rate is decreased

55. (*Reading*) "Although metals may occur in nature as pure native metal, they are more commonly found in combination with other materials in an ore. An ore is a metal-bearing substance from which a metal, alloy, or metallic compound can be extracted at a profit."

The quotation best supports the statement that

A) an ore contains other materials in addition to metal
B) few metals occur in a pure form in nature
C) the extraction of metal from an ore is an expensive process
D) some metals are not mined because the cost of extraction is prohibitive
E) metals found in ores do not occur in nature as pure native metals

56. DISPARAGEMENT means most nearly
    A) depreciation
    B) distinction
    C) idealization
    D) jealousy
    E) reputation

57. The saying "Other times, other customs" means most nearly
    A) Change is more frequent today than in the past.
    B) Modes of living change with the times.
    C) Tolerance is a virtue in every society.
    D) Certain values have remained constant for centuries.
    E) The ideals of civilization are becoming continually higher.

58. (*Reading*) "Individuals develop personality characteristics on the basis of their innate physiological equipment, the experiences which beset them from birth on, and their relationships with other human beings and with the social institutions that surround them."

    The quotation best supports the statement that the formation of personality
    A) is affected as much by physique as by environment
    B) becomes evident at an earlier age in some persons than in others
    C) is based on certain factors outside the control of the individual
    D) determines the types of persons with whom an individual will associate
    E) is based on hereditary factors rather than social experiences

59. PLACIDITY means most nearly
    A) ignorance
    B) serenity

    C) solitude
    D) timidity
    E) freedom

60. NEWS is related to INFORM as ARGUMENT is related
    A) understand
    B) convince
    C) defy
    D) entertain
    E) deceive

61. To CAREEN means most nearly to
    A) hurry
    B) thrust
    C) quiver
    D) jostle
    E) lurch

62. RUBBISH is related to DISCARD as TREASURE is related to
    A) share
    B) discover
    C) cherish
    D) lose
    E) worry

63. The saying "They wrangle about an egg and let the hens fly away" means most nearly
    A) They dispute at every opportunity.
    B) Attention to details is important.
    C) Arguing is seldom worth while.
    D) They have a poor sense of values.
    E) A grasping person has few friends.

64. (*Reading*) "Adhering to old traditions, old methods, and old policies at a time when new circumstances demand a new course of action may be praiseworthy from a sentimental point of view, but success is won

most frequently by facing the facts and acting in accordance with the logic of the facts."

The quotation best supports the statement that success is attained through

A) recognizing necessity and adjusting to it
B) using methods that have proved successful
C) exercising will power
D) remaining on a job until it is completed
E) considering each new problem separately

65. The saying "The first blow is as much as two" means most nearly
A) He who takes the initiative gains a distinct advantage.
B) One hard blow is more effective than numerous lighter ones.
C) In any struggle the stronger participant makes the first move.
D) The wise man takes advantage of every opportunity.
E) He who strikes first will win the battle.

66. To EVINCE means most nearly to
A) claim without good reason
B) state with certain reservations
C) show in a clear manner
D) follow against one's will
E) deny in an indirect fashion

67. INSERT is related to REMOVE as INTRUDE is related to
A) interrupt
B) withdraw
C) conceal
D) disclaim
E) enter

68. (*Reading*) "Fireboats should be of light draft for harbor work, and the larger sizes should be equipped with twin screws for quick turning. Boats of recent construction have steel hulls and steel deck houses; plank-covered decks are preferable to metal, as steel decks are slippery."

The quotation best supports the statement that fireboats must be
A) entirely fireproof
B) built of wood
C) of recent construction
D) all of the same size
E) capable of quick movement

69. In installing fire hydrants, a city should make sure that the outlets are of the same standard thread as those in adjacent cities *chiefly* because
A) in emergencies it is sometimes necessary to borrow fire apparatus from neighboring cities
B) one set of apparatus will do for several cities
C) the same repairmen can be utilized by several cities
D) small cities are dependent on the larger cities for fire-extinguishing service
E) unused equipment can be returned to dealers

70. TENACIOUS means most nearly
A) boisterous
B) obstinate
C) industrious
D) inseparable
E) honorable

71. AMPLIFIER is to HEARING as TELESCOPE is to
A) astronomy
B) lens
C) sight
D) mirror
E) sound

72. The saying "Blind zeal only does harm" means most nearly
    A) People are not likely to devote their best efforts to work they do not understand.
    B) Appearances should not affect one's attitude.
    C) It is difficult to pretend enthusiasm in a hopeless case.
    D) At times we must let others do the leading.
    E) Enthusiasm ought to be rightly directed.

73. PROMONTORY means most nearly
    A) marsh
    B) monument
    C) headland
    D) boundary
    E) plateau

74. (*Reading*) "Soldering is the binding together of two or more metals by means of a fusible alloy of tin and lead called solder. The solder used in the operation must melt at a lower temperature than the metals being joined together. However, the nearer the melting points of the solder and the soldered metals, the stronger the completed joint."

    The quotation best supports the statement that the melting points of metals being soldered should be
    A) identical with the melting point of the solder
    B) identical with each other
    C) high enough to permit a strong joint
    D) lower than the melting point of tin or of lead
    E) higher than the melting point of the solder

75. VIVID means most nearly
    A) rare
    B) intense
    C) imaginary
    D) absurd
    E) attractive

76. NOTE is related to MESSAGE as PICTURE is related to
    A) scene
    B) camera
    C) artist
    D) frame
    E) gallery

77. An EXIGENCY means most nearly
    A) an undue hurrying in acting
    B) a series of misfortunes
    C) an act causing disorder
    D) a case demanding urgent action
    E) a task requiring specific skills

78. The saying "That is well spoken which is well taken" means most nearly
    A) Sensitive people are quick to imagine insults.
    B) To accept reproof meekly shows nobleness of spirit.
    C) The way in which a remark is received demonstrates its appropriateness.
    D) He who ignores one insult will receive many others.
    E) He who laughs at his own expense has few enemies.

79. (*Reading*) "When the snow of one winter does not entirely melt during the summer but is added to that of the following winter, there is a gradual accumulation of snow which may result in a glacier. The lower layers are compressed into ice by the weight of the overlying snow and the mass in time begins to spread. The glaciers move downward, following the valleys and ravines, until they reach a point at which the rate of melting equals or exceeds the rate of ice advance."

The quotation best supports the statement that glaciers

A) cease advancing only upon the arrival of summer
B) move very slowly even on steep slopes
C) move downward and forward until checked by warmth
D) form in all areas that are cold and snowy
E) cover great distances in their advance each year

80. The saying "Anger dies quickly with a great man" means most nearly

A) A good man is slow to anger.
B) Nothing ruffles a good disposition.
C) One can forgive but not forget.
D) Strong passions cannot last.
E) To continue to bear malice is petty.